THE

TRIAL

OF

GEORGE GORDON, Esquire,

COMMONLY CALLED

LORD GEORGE GORDON.

PART I.

[Price One Shilling and Sixpence.]

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OF

GEORGE GORDON, Esquire,

COMMONLY CALLED

LORD GEORGE GORDON,

FOR

HIGH TREASON,

AT THE

BAR OF THE COURT OF KING'S BENCH,

On Monday, February 5th, 1781.

TAKEN IN SHORT-HAND,

BY JOSEPH GURNEY.

LONDON:

SOLD BY G. KEARSLY, No. 46, FLEET-STREET, AND M. GURNEY, No, 14, BELL-YARD, TEMPLE-BAR.

M. DCC. LXXXI.

THE

TRIAL, &c.

LORD GEORGE GORDON was apprehended on the 9th of June, upon a warrant under the hand of one of his Majeſty's Secretaries of State for High Treaſon, and was committed a cloſe priſoner to the Tower.

On the firſtday of Michaelmas Term his Lordſhip applied to the Court of King's Bench by petition, founded upon the Habeas Corpus act, to be either tried or ſet at liberty. A few days after in the ſame term, the following indictment was preſented to the Grand Jury for the County of Middleſex who returned it into the Court of King's Bench *a true Bill.*

" MIDDLESEX. The Jurors for our Lord the King, upon their oath preſent, That " George Gordon, late of the Pariſh of Saint Mary-le-bone, otherwiſe Marybone, " in the county of Middleſex, Eſquire, commonly called Lord George Gordon, " being a ſubject of our Sovereign Lord George the Third, by the grace of God " of Great Britain, France, and Ireland, King, defender of the faith, &c. not " having the fear of God before his eyes, nor weighing the duty of his allegi- " ance, but being moved and ſeduced by the inſtigation of the Devil, and entirely " withdrawing the love, and true and due obedience which every ſubject of our " ſaid Sovereign Lord the King, ſhould, and of right ought to bear towards " our preſent Sovereign Lord the King, and wickedly deviſing and intending to " diſturb the peace and publick tranquility of this kingdom, on the ſecond day " of June, in the twentieth year of the reign of our Sovereign Lord the now " King, at the pariſh of Saint Margaret, within the liberty of Weſtminſter, in " the ſaid county of Midddleſex, unlawfully, maliciouſly, and traiterouſly, did " compaſs, imagine, and intend to raiſe and levy war, inſurrection, and rebellion, " againſt our ſaid Lord the King, within this kingdom of Great Britain, and to " fulfil and bring to effect the ſaid traiterous compaſſings, imaginations, and in- " tentions of him the ſaid George Gordon. He, the ſaid George Gordon, after- " wards (that is to ſay) on the ſaid ſecond day of June, in the twentieth year " aforeſaid, with force and arms, &c. at the ſaid pariſh of Saint Margaret, within " the liberty of Weſtminſter, in the ſaid county of Middleſex, with a great mul- " titude of perſons whoſe names are at preſent unknown to the jurors aforeſaid, " to a great number, to wit, to the number of five hundred perſons and " upwards, armed and arrayed in a warlike manner (that is to ſay) with colours " flying, and with clubs, bludgeons, ſtaves, and other warlike weapons, as " well offenſive as defenſive, being then and there unlawfully, maliciouſly, " and traiterouſly aſſembled, and gathered together, againſt our ſaid Sovereign " Lord the King, moſt wickedly, maliciouſly, and traiterouſly did ordain, pre- " pare, and levy publick war againſt our ſaid Lord the King, his ſupreme " and undoubted Lord, contrary to the duty of his allegiance, againſt the " peace of our ſaid Lord the King, his crown and dignity; and alſo againſt " the form of the ſtatute in ſuch caſe made and provided. And the Jurors " aforeſaid, upon their oath aforeſaid, further preſent, that the ſaid George " Gordon, being a ſubject of our Sovereign Lord George the Third, by the grace " of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. " not having the fear of God before his eyes, but being moved and ſeduced by " the inſtigation of the Devil, and entirely withdrawing the love and true and " due obedience, which every ſubject of our ſaid Sovereign Lord the King ſhould " and of right ought to bear towards our ſaid preſent Sovereign Lord the

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" King, and wickedly deviſing and intending to diſturb the peace and publick " tranquillity of this kingdom. Afterwards, to wit, on the ſaid ſecond day of " June, in the twentieth year of the reign of our ſaid Sovereign Lord the " now King, and on divers other days and times between that day and the " tenth day of the ſame month of June, at the ſaid pariſh of Saint Mar- " garet within the liberty of Weſtminſter in the ſaid county of Middleſex, un- " lawfully, maliciouſly, and traiterouſly did compaſs, imagine, and intend to raiſe " and levy war, inſurrection, and rebellion againſt our ſaid Lord the King, with- " in this kingdom of Great Britain, and to fulfil and bring to effect the ſaid laſt " mentioned traiterous compaſſings, imaginations, and intentions of him the ſaid " George Gordon. He the ſaid George Gordon, on the ſaid ſecond day of June " in the twentieth year aforeſaid, and on divers other days and times, between that " day and the tenth day of the ſame month of June, with force and arms, &c. at " the ſaid pariſh of Saint Margaret, within the liberty of Weſtminſter in the " ſaid county of Middleſex, with a great multitude of perſons whoſe names at " preſent unknown to the jurors aforeſaid, *to a great number, to wit*, to the " number of two hundred perſons and upwards, armed and arrayed in a warlike " manner (that is to ſay) with colours flying, and with ſwords, clubs, bludgeons, " ſtaves, and other weapons, as well offenſive as defenſive, being then and there un- " lawfully, maliciouſly, and traiterouſly aſſembled and gathered together againſt our " ſaid preſent Sovereign Lord the King; moſt wickedly, maliciouſly and traiterouſly " did ordain, prepare, and levy publick war againſt our ſaid Lord the King, " his ſupreme and undoubted lord, contrary to the duty of his allegiance, againſt " the peace of our ſaid Lord the King, his crown and dignity, and alſo againſt " the form of the ſtatute in ſuch caſe made and provided.

On the 25th of January 1781, the priſoner by virtue of a Habeas Corpus, directed to the Lieutenant of the Tower upon the motion of Mr. Attorney General, was brought up to the Bar of the Court of King's Bench, and pleaded NOT GUILTY to his indictment, and the court appointed the trial for Monday the 5th of February.

MONDAY, FEBRUARY 5th.

The Court being opened and the priſoner ſet to the bar, the jurors returned by the ſheriff were called into court.

William Atwick, of Portman-ſquare, Eſq. *not being a freeholder of the county of Middleſex, he was rejected as a juror.*
William Feaſt, of the City Road, Eſq. and brewer, *excuſed on account of illneſs.*
Roger Griffin, of Iſlington Road, Eſq. *challenged by the priſoner.*
John Dawes, of Iſlington, Eſq. and ſtock-broker, *challenged by the priſoner.*
Nathaniel Clackſon, of Iſlington, Eſq. *challenged by the priſoner.*
Thomas Saunders, of Highgate, Eſq. *not a freeholder.*
James King, of Mortimer-ſtreet, Eſq. *not a freeholder.*
Henry Horace Hayes, of Percy-ſtreet, Eſq. *excuſed by conſent, both of the counſel for the crown and the priſoner.*
John Peter Blaquire, of Hampſtead, Eſq. and ſtock-broker, *challenged by the priſoner.*
Robert Vincent, of Hampſtead, Eſq. and brewer, *challenged by the crown.*
Thomas Collins, of Berner-ſtreet, Eſq. and ſurveyor, *ſworn.*
Thomas Parry, of Berner-ſtreet, Eſq. *not a freeholder.*
Henry de la Mayne, of Berner-ſtreet, Eſq. and wine merchant, *not a freeholder.*
Henry Haſtings, of Queen Ann-ſtreet, Eſq. *ſworn.*
James Calvert, of Old-ſtreet, Eſq. and vinegar merchant, *challenged by the priſoner.*
John Horſley, of Haberdaſher's Walk, Eſq. *challenged by the priſoner.*
George Friend, of St. James's-walk, Clerkenwell, Eſq. and dyer, *not a freeholder.*
John Marſhall, of Holywell-ſtreet, Eſq. and brewer, *challenged by the priſoner.*
Thomas Proctor, of Holywell-ſtreet, Eſq. and brewer, *challenged by the priſoner.*

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Richard Barker, of Caroline-ſtreet, Eſq. *not a freeholder.*
William Harriſon, of Lamb's Conduit-ſtreet, Eſq. *not a freeholder.*
Matthew Carrett, of Hatton-ſtreet, Eſq. and merchant, *not a freeholder.*
Thomas Brown, of Arundel-ſtreet, Eſq. *challenged by the priſoner.*
Thomas Bray, of Bedford-ſtreet, Eſq. *challenged by the priſoner.*
Edward Hulſe, of Harley-ſtreet, Eſq. *ſworn.*
Thomas Abmuty, of Queen-ſtreet, Eſq. *not a freeholder.*
Barington Buggin, of Harpur-ſtreet, merchant, *not a freeholder.*
Edward Pomfret, of New North-ſtreet, wine merchant, *ſworn.*
Joſeph Spackman, of Hackney, Eſq. *not a freeholder.*
Gedeliah Gatfield, of Hackney, Eſq. *ſworn.*
Robert Mackey, of Hackney, Eſq. *challenged by the crown.*
Joſeph Pickles, of Homerton, Eſq. *ſworn.*
Cecil Pitt, of Doleſton, Eſq. *not a freeholder.*
Peter Meſtaer, of Bethnal-green, Eſq. and ſhip builder, *challenged by the priſoner.*
Charles Digby, the younger, of Mile-end Road, Eſq. *challenged by the priſoner.*
Thomas Sayer, of Bow, Eſq. *not a freeholder.*
Edward Gordon, of Bromley, Eſq. and diſtiller, *ſworn.*
John Milward, of Bromley Eſq. and diſtiller, *challenged by the priſoner.*
William Daling, of Bromley, Eſq. *challenged by the crown.*
John Perry, of Blackwall, Eſq. and ſhip builder, *challenged by the priſoner.*
Joſeph Hankey, of Blackwall, Eſq. and ſhip builder, *challenged by the priſoner.*
Arthur Shakeſpear, of Church-ſtreet, Stepney, Eſq. and rope maker, *challenged by the priſoner.*
Robert Buttery, of White Chappel, Eſq. and corn chandler, *challenged by the crown.*
Thomas Flight, of Hackney, Eſq. *challenged by the crown.*
Marmaduke Peacock, of Hackney, Eſq. *ſworn.*
Nathaniel Paul, of Clapton, Eſq. *not a freeholder.*
Francis Degan, of Hammerſmith, Eſq. *ſworn.*
James Scott, of Hammerſmith, Eſq. *challenged by the crown.*
Simon Le Sage, of Hammerſmith, Eſq. and ſilver ſmith, *ſworn.*
Stephen Pitt, of Kenſington, Eſq. *challenged by the priſoner.*
Robert Lathrapp, of Kenſington, Eſq. *not a freeholder.*
Thomas Ayliffe, of Kenſington, Eſq. *not a freeholder.*
Robert Armitage, of Kenſington, Eſq. *ſworn.*
James Trimmer, the younger, of Old Brentford, Eſq. and brick maker, *challenged by the priſoner.*
Thomas Bramley, of Acton, Eſq. *challenged by the priſoner.*
John Bullock, of Kenſington, Eſq. *not a freeholder.*
Thomas Moore, of Kenſington, Eſq. *not a freeholder.*
Edward Eſſicott, of Hornſey, Eſq. and watch-maker, *challenged by the priſoner.*
Henry Adkins, of Lambs Conduit-ſtreet, carpenter, *not a freeholder.*
Robert Walford, of St. James's Walk, Clerkenwell, brewer, *not a freeholder.*
Joſeph Manwaring, of Iſlington, Gentleman, *challenged by the crown.*
John Rix, of White Chappel, diſtiller, *ſworn.*

The JURY.

Thomas Collins,	*Gedeliah Gatfield,*	*Francis Degon,*
Henry Haſtings,	*Joſeph Pickles,*	*Simon le Sage,*
Edward Hulſe,	*Edward Gordon,*	*Robert Armitage,*
Edward Pomfret,	*Marmaduke Peacock,*	*John Rix.*

The Clerk of the Crown charged the Jury with the Priſoner.

Mr. NORTON.

MAY it pleaſe your Lordſhip, and you, Gentlemen of the Jury, the noble priſoner at the bar, George Gordon, Eſq. commonly called Lord George Gordon, ſtands indicted of high treaſon, in intending to levy war againſt his preſent Majeſty, within the kingdom of Great Britain; and Gentlemen the indictment further ſtates, that the priſoner to effect this traiterous intention, did, on the 2d of June laſt, and at divers other times, between that day and the 10th of the ſame month, at the pariſh of St. Margaret's, within the liberty of Weſtminſter, in this county, with a great multitude of perſons, armed and arrayed in a warlike manner, with weapons offenſive and defenſive, and with colours flying; being then and there unlawfully and traiterouſly aſſembled, moſt wickedly, maliciouſly, and traiterouſly did prepare and levy public war againſt our ſovereign Lord the king, contrary to the duty of his allegiance againſt the peace of our ſaid Lord the king, his crown and dignity, and againſt the ſtatute, in ſuch caſe made and provided.

To this indictment the priſoner has pleaded that he is not guilty, and hath put himſelf upon his trial; we who are of counſel for the crown ſhall call our witneſſes in ſupport of the proſecution; and if the evidence ſhall prove the charge to your ſatisfaction, then it will be your duty, under the direction of the court, to find the priſoner guilty.

MR. ATTORNEY-GENERAL.

MAY it pleaſe your Lordſhip, and you Gentlemen of the Jury, I am alſo of counſel in ſupport of this proſecution againſt the priſoner at the bar, which imputes to him a crime in the higheſt claſs of offences known to the law of this country—that of High Treaſon; and the particular ſpecies of high treaſon you find, from the opening of the indictment, is levying war againſt the King within his realm.

The offence of levying war againſt the King within the ſtatute of the 25th of Edward the Third, is of two ſorts, the one directly and immediately againſt the perſon of the King, the other, called conſtructive levying of war, is againſt the majeſty of the King, as a great and numerous inſurrection of the people to effect by force an alteration of the eſtabliſhed law of the country, the redreſs of national grievances, or the reformation of evils, real or imaginary, in which the inſurgents have no particular or ſpecial intereſt.

It is of the latter kind of levying war with which the priſoner at the bar ſtands accuſed by this indictment.

You, Gentlemen, who reſide in this county, are not ſtrangers to the occaſion of this proſecution—In the latter end of the year 1778, an act of parliament paſſed to repeal certain proviſions affecting the Roman Catholicks in this country, contained in an act of parliament made in the eleventh and twelfth year of the reign of King William the Third. The particular proviſions which it was the object of this act to repeal were theſe: By the ſtatute of King William every Popiſh prieſt, exerciſing any part of his function in this kingdom, was liable to perpetual impriſonment; every perſon of the Popiſh religion keeping a ſchool, or taking upon himſelf the education, government, or boarding of youth, was liable to the ſame puniſhment. And by another part of this act, Roman Catholicks were rendered incapable of inheriting or taking by deviſe or limitation any eſtates from their parents or others, unleſs they ſhould take oaths and ſubſcribe a declaration, which by their religion they could not conſcientiouſly do, and their eſtates were to go immediately over to their next of kin being proteſtants, and them and their families left to ſtarve. There was another proviſion too which made them incapable of taking an eſtate by purchaſe.

This act containing ſuch ſevere penalties could only be juſtified by the neceſſity of the caſe, for the ſalvation of the ſtate and our religion. It is the height of ſeverity to puniſh men for ſerving God in their own way, or employing themſelves in one of the moſt important duties to ſociety, the education of youth; that men ſhall for theſe reaſons alone be doomed to a loathſome priſon for their lives, and to the perpetual ſociety of the moſt profligate and wretched of mankind, is cruel and horrid. The other part of the act was extremely ſevere in depriving a man of his birthright and inheritance.

The hiſtory of the times indeed does not furniſh any proof of the neceſſity, nor afford an apology for the hardſhip of theſe proviſions; an account of the commencement and progreſs of the act is given by a very learned divine, who was at that time a member of the Houſe of Peers, Biſhop Burnet. It originated in party faction, in oppoſition to the court

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at that time. The bill was brought into the Houſe of Commons that the court party might reject it, and draw upon themſelves the odium of a meaſure in favour of the Catholicks, for thoſe that brought in the bill did not mean it ſhould paſs; they were diſappointed in their view, for the court party made no oppoſition to it. They then wiſhed to drop it but they could not; upon which Biſhop Burnet ſays they added very ſevere and unreaſonable clauſes to the bill and ſent it up to the Houſe of Lords, in hopes that that Houſe would reject it; in this they were diſappointed too, for the Houſe of Lords did not reject the bill, but ſuffered it to paſs with the ſevere penalties and puniſhments I have ſtated. It is too much, in my opinion, for any party or faction to ſtake upon their game the liberties and fortunes of others.

The Catholicks ſubmitted to this law, they expected no doubt, that parliament would ſee the hardſhips impoſed upon them by theſe proviſions, and adminiſter redreſs. They made no application, and indeed the penalties and puniſhments appeared to every body ſo extremely harſh and ſevere, that very few proſecutions were carried on upon this act; in my own time I only remember one, which was againſt a perſon for ſaying maſs in a houſe ſomewhere about Wapping; he was convicted, and of courſe doomed by the proviſions of this act to perpetual impriſonment. But the Roman Catholicks were ſtill liable to private extortionary demands, which they yielded to, to avoid either proſecution, or that they might have the liberty of enjoying what had long been in their families and had deſcended to them as their birth-right.

This law remained in the ſtatute book (and though ſeldom put in execution was ſufficient to occaſion perpetual alarms) till the year 1778, when an act of parliament was brought into the Houſe of Commons to relieve his Majeſty's Roman Catholick ſubjects againſt the particular proviſions I have ſtated. The propriety and juſtice of that meaſure, the circumſtances attending it pretty plainly evince.

The bill was brought in by a member of the Houſe of Commons diſtinguiſhed for his love of the civil rights of mankind, and for his firm and zealous attachment to the Proteſtant religion, and who beſides poſſeſſes every publick and private virtue that can adorn the citizen and the man. I mean Sir George Savile—It paſſed through the Houſe of Commons with almoſt unanimity, the oppoſition made to it from ſome was not to the principle of the Bill, but that it did no go far enough in the redreſs; it ſhould in the opinion of thoſe have been extended to other penalties, for I muſt inform you that in the time of paſſing the act of King William, the Roman Catholicks ſtood by law excluded from any ſhare in government, from any office of truſt, civil or military, and the perſons of that religion performing any part of their functions, as prieſts or keeping of ſchools or educating youth, ſtood liable to many pecuniary penalties, and in ſome inſtances to temporary impriſonments. This was their ſituation at the time when theſe additional penalties and puniſhments were inflicted upon them. This repeal was not abſolute and extending to all affected by the ſtatute of King William, but was conditional, and reſtrained to thoſe who ſhould take an oath eſtabliſhed, by that act, of the ſtrongeſt aſſurance of their loyalty and affection to the government, and an abjuration in explicit terms of every pretender to the crown and government of this kingdom, and beſides a poſitive renunciation of any authority of the ſee of Rome, in civil or temporal caſes, within this kingdom. None could receive the benefit of this repeal, who did not give the public that pledge.

Upon the paſſing of this act, many of the Roman Catholicks of the firſt characters and fortunes in the kingdom, and others of all deſcriptions, came in, and gave the ſecurity to government, under the ſanction of an oath, which the act required; no perſon at that time ſeemed diſatisfied; but in the winter following it was ſuppoſed that a Bill would be brought into parliament, to take off ſome penalties which were inflicted by the laws of Scotland upon the Roman Catholicks of that country. And in the beginning of February were received from Edinburgh, and publiſhed in every paper, accounts of a moſt violent inſurrection in that country, to put a ſtop to that meaſure. It appeared from theſe accounts that, upon the 2d of February, an inſurrection happened in the city of Edinburgh, that two Roman Catholick chapels had been attacked and ſet on fire; that the houſes of the Roman Catholicks there in different parts of the town, were attacked, ranſacked, and demoliſhed; that the utmoſt exertions of the civil magiſtrate, aſſiſted by ſome of the fencibles, could not ſuppreſs the tumult; nor until the provoſt of the city gave aſſurances in the moſt publick manner, that the ſcheme was dropped, that no act of parliament would be applied for, reſpecting the Roman Catholics of Scotland, could any check be given to the violence and outrages committing to the diſtruction of many innocent men. This put an end to an attempt to obtain the act of parliament, conceived by ſome gentlemen of diſtinction of that country, to be a very ſalutary,

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proper, and juſt meaſure. I take notice of this inſurrection in Scotland, becauſe when I come to ſtate to you the conduct of the priſoner at the bar, it will be found to be a very material circumſtance.

Things remained for ſome time quiet in this country, but an Aſſociation was formed, called the Proteſtant Aſſociation, every one of you, Gentlemen, have heard of it, and where pains were taken to create a belief that the repeal of the ſtatute of King William would be attended with immediate danger to the ſtate, and to the Proteſtant religion; upon that ground it ſeems a petition was determined upon, and if they apprehended danger, they did right to petition; it is the inherent right of the ſubject to petition parliament; and whenever they imagine a caſe proper for the conſideration of parliament, they do right to bring it before them; and I believe this petition was at one time intended to have been preſented in a legal, conſtitutional, and orderly manner.

You will find, for I ſhall give you the general outlines of the buſineſs before I ſtate the particular conduct of the priſoner, that upon the 2d of June, in conſequence of publick advertiſements publiſhed in the news papers, and paſted up at the corners of ſtreets, and of hand bills diſtributed, there was collected together in St. George's Fields, a multitude of people, or more properly, a very large army; I believe conſiſting (the particulars we may hear from the witneſſes) of many thouſands—twenty, thirty, or forty thouſand—under the pretext of preſenting a petition to parliament. Though it is the birth-right of the ſubject to preſent a petition to parliament, yet the petitioners are not to dictate to parliament, or take from parliament their deliberation and judgement upon the ſubject; that would tend directly to the diſſolution of the conſtitution, and the ſubverſion of government.

This body of men were arranged, according to the direction of the advertiſement, into three or four diviſions; the London to the right, the Scotch diviſion to the left, and the Weſtminſter to one part, and the Southwark diviſion in another; one diviſion, conſiſting of many many thouſands, marched over London-bridge, through the city, down the Strand, and ſo to the Houſe of Commons, with colours flying, diſtinguiſhed by blue cockades, and making a march as regular as an army trained to it; they had bagpipes, which belonged, I fancy, to the Scotch diviſion; in this way they marched; they arrived at the Houſe of Commons about one o'clock; and, being joined by the other diviſions, took poſſeſſion of all the avenues leading to the Houſe, and of the lobby, and it was with the utmoſt difficulty the members got admittance into the houſe; ſome members of each houſe were inſulted and ill-treated by the populace, as examples I preſume of what the reſt were to expect, if the wiſhes of the mob were not complied with; in this ſituation the petition was preſented, and thoſe in the lobby were deſired to withdraw. If it was a conſtitutional purpoſe they had in coming to the houſe, it was anſwered; but they would not ſtir, and with great riot and confuſion inſiſted upon a repeal of the act; the cry was, A repeal! A repeal! No popery.—The civil power was in vain ſent for to diſperſe them, they ſtill kept poſſeſſion; they beſieged the Houſe, they kept the members impriſoned. Thus they continued till between nine and ten at night, when the civil power, by the aſſiſtance of the military, were able to deliver the Houſe of Commons from the diſgraceful ſituation in which they had been in to that time, and muſt have been confined till they had granted, as far as they could, the prayer of this petition. As ſoon as the houſe was delivered, they ordered the buſineſs to be conſidered, and adjourned to the Tueſday following; but the mob, not having ſucceeded in their purpoſe, and being driven from the houſe in the manner I have ſtated, immemediately betook themſelves to other meaſures; they inſtantly reſolved to attack the chapels of the foreign miniſters, which, in every civilized country, are protected and deemed ſacred from inſult; ſome of them were apprehended, I think about thirteen, that night or the next morning. On Saturday they paraded in different parts of the town, but I do not find that much miſchief was done: On the Sunday they appeared in Moorfields, they there attacked a chapel in that neighbourhood, and the houſes of many Roman Catholicks, ſituated thereabouts, and completely demoliſhed the houſes and effects of theſe unfortunate people. I only give in general, an account of what they did. I am convinced many of you were eye-witneſſes to what I am now ſtating. On the Monday, the men who were taken up were examined at Sir John Fielding's: five of them were committed to Newgate: they were examined under the apprehenſion of a reſcue from the violence that was without the door; it was with difficulty that they were conducted to Newgate by the Guards; but, as ſoon as they were lodged there, theſe people made an attack upon the houſe of a Mr. Rainsforth, who had been active in apprehending them, and a witneſs againſt them; they made an attack too upon the houſe of a Mr. Maberly, who had been a witneſs before the magiſtrate; and alſo upon the

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houſe of Sir George Savile ; and they did other injury that night. The next day, being the Tueſday when the parliament was to meet again, all the parties of this army re-aſſembled about the Houſe of Commons, and there continued with great riot and confuſion, with ſhouts for A repeal, and No popery, till the houſe was obliged to adjourn. Upon this their firſt attack was upon the houſe of Mr. Hyde ; the offence given by Mr. Hyde, was partly his attendance at the juſtices upon the Monday at the examination, but principally for his activity as a magiſtrate in ſaving the life of a member of the Houſe of Peers, the Earl of Sandwich, who, in going to attend his duty, had been violently attacked by the mob. They ranſacked and ſet fire to Mr. Hyde's houſe, and burnt the furniture, and totally demoliſhed every thing they could. In this they were accompanied with their colours, for they appeared again with their flags and with their cockades. Very large parts of the mob marched to Newgate ; they ſet fire to the keeper's houſe ; they attacked the priſon ; and, in a very ſhort time, they ſet at large all the priſoners ; a place which for its ſecurity ſeemed to be equal to a priſon in the centre of the earth. They afterwards attacked and demoliſhed many houſes belonging to Roman Catholicks, burnt and deſtroyed the furniture and effects.

Upon the Wedneſday they attacked and broke open the other priſons in and about this metropolis, with an exception of the Poultry Compter, and ſet at liberty all the priſoners; they continued their proceedings without control or check all that night, and until ſome time the next morning ; in that night various houſes in different parts of the town were in flames at the ſame time ; in ſhort nothing was expected leſs than general conflagration. The next day an attack was meditated upon the Bank, and I believe upon the Pay and Exciſe offices, happily his Majeſty by his anxious care, and extraordinary and unremitting exertions, had been able to collect together a force ; all the troops within a conſiderable diſtance were brought up to the metropolis, and they gave a check to the fury of the mob ; this was upon the Thurſday, when they were making an attempt upon the Poultry Compter. Every perſon I believe is convinced, that if a ſtop had not been then put to the outrages, the whole of this Town would have been deſtroyed in a very ſhort time; for though the repeal of the Bill was the pretended cauſe, and the Roman Catholicks the object at firſt of their violence, that diſtinction would ſoon have vaniſhed—the reputed papiſt—the friend of the papiſt, and all thoſe who had not the leaſt connection with them, if in any reſpect obnoxious to the mob, would have ſuffered—It is aſtoniſhing to me, that the whole town was not deſtroyed, conſidering the number of Roman Catholicks employed in our manufacturies here, and others who are doomed to the moſt laborious employments in this town ; had they interpoſed in defence of their innocent bretheren to preſerve them from ruin what muſt have been the conſequence !—A bloody war muſt have taken place ; and if an attack upon the houſes of proteſtants had been provoked, the whole of this town, even before the military could have arrived to our aſſiſtance, might have been deſtroyed—Before the inſurrection was put an end to there appeared ſtrong marks of the machinations of our inveterate enemies. What was the meaning of opening the priſons—what was the intent of that attack upon the national credit of the Kingdom, the Bank of England ? was that upon the ground of Popery, or for the repeal of this Bill ? Other circumſtances concurring, leave no doubt that greater deſigns than at firſt appeared were opening to the Public.

Having ſtated in general the outlines of the violences committed during theſe few days, to the eternal diſgrace of this Country, for it can never be wiped off, it remains for me to ſtate to you, what ſhare the priſoner at the bar had in them ; for there can be no doubt that all perſons who contributed to the perpetration of them are as criminal as the very perſons who committed the act, and more ſo, eſpecially, if they are to he aſcribed to their incitement and encouragement.

Gentlemen, you have now before you, as will appear upon the evidence, the author of all theſe violent and diſgraceful proceedings, to whom the whole is to be imputed, an offender of ſuch a deſcription has not often appeared in a court of juſtice.

I have already ſtated to you the Proteſtant Aſſociation, but have not mentioned to you, leaving it to this ſtage of the buſineſs, that the priſoner was the preſident of that aſſociation. I ſtated to you, that I have great reaſon to believe, and I hope it will come out before this day is over, that there were ſome of that aſſociation who meant no more than to lay their apprehenſions before parliament, willing to leave them to their conſideration and judgment, intended to preſent their petition in the ordinary form, and in a conſtitutional way, attended by very few of the petitioners. But that did not ſquare with the views of their preſident. Their preſident had been in parliament,—he had obſerved the ſentiments of many upon the ſubject of this repeal ; he poſſibly deſpaired of any immediate relief being given, for

 certainly

certainly the ſubject required great conſideration; the circumſtances, if any, to ſhew danger to be apprehended from the repeal of the Bill were to be inveſtigated. A difficulty was thrown upon the buſineſs; this Bill invited the Catholicks to give a pledge of their fidelity and loyalty; this they had done upon the faith of enjoying that degree of freedom from penalties and puniſhments which the act held out to them; there were beſides other weighty conſiderations. But deliberate proceedings would not anſwer the purpoſe; the ſeſſion of parliament was near expiring; the priſoner at the bar advertized for a general meeting to propoſe an attendance on this petition by numbers; the propoſal at a general meeting, where all came that pleaſed without diſtinction, was immediately aſſented to; there are people who attend theſe places who cannot exiſt without the opportunity of plunder; the priſoner upon this declared that he would not preſent the petition unleſs he was attended by twenty thouſand people; did ſuch an idea ever ſtrike any man that meant well to the peace and tranquillity of the country, that he would not preſent it without he was attended by twenty thouſand people, and they were to be marked, they were to be diſtinguiſhed by cockades, that he might know the friends of the petition or the friends to the proteſtant cauſe. Good God! is a cockade the teſt of adherence to any good cauſe; every man that came there with a cockade, whatever his views were, was conſidered as a friend to the Proteſtant religion; there was no other title to admiſſion into this body, but merely having cockades in their hats—Then he gave directons, that they ſhould be formed into diviſions; a general could not make a more proper diſpoſition of his army; the London diviſion was to go to the right, the Scotch to the left, Weſtminſter to one part, Southwark to the other part; and then they were to be marched off in theſe diviſions. I dare ſay it ſtruck many who were there, that this propoſal muſt be attended with tumult and breaches of the peace at the leaſt; the very collection of ſo great a number was never made in any country without doing miſchief; but to take off apprehenſions of that kind, be bid them recollect what the Scotch had done. By their firm conduct they had prevented the Bill from extending to them; he recommended to this body, to twenty thouſand men! the firm conduct of the Scotch, which conſiſted in the moſt violent inſurrection and tumult that ever was known in that city, and in acts of violence againſt the Roman Catholicks who committed no fault, nor applied for redreſs, but were taken up as men innocently ſuffering, and men that ought to be relieved. Is a mob not able to take the hint? it would have been too much for the priſoner to have ſaid, Gentlemen go and pull down all the houſes of the Roman Catholicks; the civil magiſtrates would have interpoſed; but it was, Recollect what the Scotch did by their firm conduct; and he added, he did not deſire them to run any danger which he was not ready to ſhare with them, and that he would meet them there; and was ready to go to the gallows for their cauſe; greater encouragement could not be given to a ſet of men; they looked up to him as a man of education and high birth; they probably did not at that time ſuſpect the ſnare he was drawing them into, when he offered and pledged himſelf, and that he would even go to the gallows with them in the buſineſs; he publiſhed an advertiſement for a meeting of theſe people, and though he mentioned only twenty thouſand, he had an expectation of a much larger army. The advertiſement I will read to you, "Proteſtant Aſſociation. Whereas no hall in London can contain forty thouſand men, Reſolved that this aſſociation do meet on Friday next."

Court. Gentlemen of the Jury. I obſerve ſome of you are taking notes, you are not to attend to any thing ſtated to you by the counſel unleſs it is afterwards proved by the witneſſes.

Mr. Attorney General. I open to you from my inſtructions what is given me as facts, and where witneſſes are put down to prove them; I am not anſwerable for the truth of them, God forbid that any thing I mention unſupported by proof ſhould turn to the prejudice of the priſoner at the bar. The firſt reſolution ſays, "Reſolved that this aſſociation do meet on Friday next, June the 2d, in St. George's Fields, at ten o'clock in the morning; to conſider of the moſt prudent and reſpectful manner of attending their petition, which will be preſented the ſame day to the Houſe of Commons."

Forty thouſand men to meet to conſider of the moſt prudent and reſpectful manner of preſenting a petition, how are they to be conſulted! how is their opinion to be aſked! this is a diſguiſed buſineſs.—"Reſolved, for the ſake of good order and regularity, that this aſſociation, on coming to the ground, do ſeparate themſelves into four diviſions; to wit, the London diviſion, the Weſtminſter diviſion, the Southwark diviſion, and the Scotch diviſion. Reſolved, that the London diviſion do take place upon the right of the ground toward Southwark; the Weſtminſter diviſion ſecond; the Southwark diviſion third; and the Scotch diviſion upon the left; all wearing blue cockades in their hats to diſtinguiſh themſelves from the Papiſts, and thoſe who approved of the late act in favour of popery."

" popery." So every man that did not wear a cockade in his hat was to be diſtinguiſhed as a favourer of Popery and of the late act of parliament; and that every man who would put a cockade in his hat, be his deſcription what it might, was to be conſidered as a friend to this petition; in ſhort he was to be a friend to the purpoſes in view. " Reſolved, that " the magiſtrates of London, Weſtminſter, and Southwark, are requeſted to attend, that " their preſence may over-awe and control any riotous or evil minded perſons who may " wiſh to diſturb the legal and peaceable deportment of his majeſty's proteſtant ſub- " jects."—Now, Gentlemen, what an inſult is this upon the civil magiſtrates! this laſt paragraph adds to the mockery of the advertiſement; is of a piece with the other I obſerved upon, in the circumſtances of theſe people calling for a protection from the civil magiſtrates againſt thoſe who ſhould diſturb their legal and peaceable deportment; for God's ſake, who is there that durſt look in the face of forty thouſand men! this army wants a protection, and calls upon the magiſtrates for it; but what magiſtrates? the London, Weſtminſter, and Southwark; of the two firſt none could act but in London and Weſtminſter, and in Southwark I believe hardly one magiſtrate reſided, and beſides theſe men were out of the Borough of Southwark ſo that not one of the magiſtrates, if called upon to keep the peace, and to protect forty thouſand men, could act at all. This advertiſement was evidently to diſguiſe the real purpoſe and views of the meeting.

I have already ſtated to you the aſſembly the advertiſement produced on the 2d of June; the priſoner at the bar appeared at their head with his cockade; they were drawn up and under orders, I preſume, from him. Upon a perſon's carrying a meſſage from the priſoner to them the march began, that I have already ſtated to you; he received them, or came along with them, I do not know which, to the Houſe of Commons, and there preſented the petition. This body of men will appear to you to have been totally under his influence and management; the inſult and violence at the Houſe of Commons, I have already deſcribed to you, and the force uſed there; no perſuaſion whatever, no exertion could deliver the Houſe of Commons from the ſituation they were in till very late at night. He had it in his power at any moment to have done it, nay in the height of the tumult thoſe in the lobby called to him to know whether they ſhould quit the lobby; it was impoſſible to have a diviſion until the lobby was cleared, but nothing could be done without his directions; it was not ſafe for him to order them to ſtay and obſtruct the proceedings of the Houſe in plain terms; but he did that which was equivalent; he told them to be ſteady and perſevere; that he would ſtate to them the caſe; that he had called for a diviſion, that there was no doubt at all that it was againſt them, but, if they continued in the lobby, the houſe could not divide; this he ſtated to them, not that he adviſed them; and then that he might not appear to have given them any directions, he left it to them to do as they pleaſed; it was enough to leave to them that by clearing the lobby the buſineſs would be put off, whereas they wanted it to be inſtantly urged on, and carried through; he was applied to over and over to deſire them to go out; a word from him would have done it, and then parliament would not have been compelled to ſuffer the diſgrace of paſſing an act without examination, and without forming a judgement upon the ſubject.

Gentlemen, you will find that he reminded them over and over of the conduct of the Scotch; he told them the civil magiſtrate was ſent for, but they need not regard him, for he believed he was a petitioner; that the Guards, if they came, would do them no hurt; in ſhort, by his perſuaſions and incitements, he kept that body at the door, impriſoning the members. When the Scotch, ſaid he, pulled down the maſs-houſes, they had redreſs. Lord Weymouth ſent an aſſurance that the bill ſhould not be extended to Scotland, and ſhall the Scotch be better than you? No language could convey more intelligible directions to theſe people; if they did not ſucceed by the force upon the Houſe of Commons, they were to reſort to the other plan; the Scotch, ſaid he, had redreſs when they pulled down the maſs-houſes, you know what the Scotch did by their firm conduct; this he ſaid to them who were under his influence and command; men who would have departed if he had given them the word; who looked to him ſolely for inſtructions for their conduct, and beſides he mentioned too that there was no doubt that his majeſty, when he heard of the inſurrrections within ten miles of London, and of their flocking up to town, would ſend his miniſters to promiſe a repeal: if the priſoner and his adherents were not able to accompliſh their purpoſe at the Houſe, the Scotch plan he had recommended was to be adopted; they inſtanty flew to the chapels of the ambaſſadors, afterwards to the houſes of the Roman Catholicks, and of thoſe who had given obſtruction to the mob. What became of the priſoner does not appear; but you will find when they re-aſſembled again upon the Tueſday, after the violent outrages on the preceding evening, Sunday and Monday, he came to the Houſe of Commons, with the ſame ſymbol of being their head and leader, that of a cockade, and which

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was a plain token of his approbation of their actions. They had all their colours flying about Palace Yard.—Without remorſe, without adviſing them to depart peaceably, without remonſtrating with them about the miſchiefs they had done; he was led off in triumph through the city of London to the Manſion-houſe, and other places, by a large body; this happened upon the Tueſday. On the Wedneſday he ſent an advertiſement to the papers of a very ſingular nature to be inſerted in the Thurſday's papers, it did get into ſome papers, it is this;—" Lord George Gordon went in perſon to three different places, where the tumults were ſubſiſting, to harangue the mob, and exhort them to a peaceable and legal deportment; he ſtood for a conſiderable time among parties of foot ſoldiers, accompanied by one of the London ſheriffs, but all this was without effect Lord George Gordon not being able to give them any aſſurances that the act would be repealed." This advertiſement held out to the mob, that they were to look forward to ſome aſſurances; that they were to continue their depredations till ſome aſſurance ſhould be given, and that this was the only reaſon why the violences were not ſtopped. Did he flatter himſelf that he ſhould have aſſurance from any quarter that this bill would be repealed! He adds, ſeveral merchants requeſted Lord George Gordon to ſign papers that they were friends to the Proteſtant intereſt, &c.

So he ſtates himſelf in his own hand-writing, that he was the perſon who had been, and was to be applied to, for protections; we ſhall ſhew you one of his protections granted upon the Wedneſday, but nothing carries with it ſtronger evidence, under his own hand, that all the world looked upon him as the only perſon who had the government of the mob, in the depredations they were then committing; he does not ſay I refuſed them, or that I granted them, he certainly meant that others ſhould apply in the ſame way for protections, it was to demonſtrate that he was, and was looked upon to be the only man whoſe name and ſignature would protect them from the violence of this mob; his name did furniſh a protection in one caſe which we ſhall give in evidence; he gave a protection to a perſon who had a Roman Catholick tenant or lodger in his houſe—he found his houſe had been threatened and applied to the priſoner for a protection—he got one and experienced the benefit of it.

Can any body doubt, after this evidence, that the priſoner at the bar was not the author of theſe diſturbances, and that to his encouragement, incitement, and means, they are to be aſcribed. Perhaps he will tell us, he had no other object but the repeal of this bill; and that if other views, of a more alarming and extenſive nature, mixed in the operations of the mob, they are not imputable to him; but if he had no other object than the repeal of this bill, ſure, his meaſure of guilt is of no ordinary ſize; will it be enough for him to ſay, I would have checked the mob in the violence of their proceedings, but I was not able to do it; that will be no excuſe, if he exhorted them to begin, and look to that as the means to procure a repeal. If he has turned out upon the public, this many headed monſter, to ravage and deſtroy, it will be no excuſe, to ſay, I wanted to check its rage and fury! he has deſignedly given birth to the outrage, and muſt ſtand by the conſequences, it is juſt he ſhould.

Gentlemen, if theſe facts are proved, lay your hands upon your hearts, and aſk yourſelves, whether to the priſoner, all that was done, is not to be imputed. It is not an accidental aſſiſtance, or encouragement, but he is the contriver of the whole. If you are ſatisfied of this, you will pronounce him guilty, and your verdict will teach the preſent and future ages this leſſon, that no man, however exalted in birth, ſituation, or connexion, can violate the peace, the order, the government, and the laws of his country, with impunity.

I ſhall, in order to prove the caſe, call ſome witneſſes, not ſo many, I hope, as you may have ſeen in a liſt, which, by ſome means, has been publiſhed; it is not the object I know, of delivering liſts of witneſſes, that they ſhould appear in the public newspapers, but you have ſeen a great many in a liſt of witneſſes publiſhed—the neceſſity of putting down many will be obvious to you, for we had no power over the witneſſes at the time their names were inſerted, ſeveral are to the ſame fact, that if any, from accident, ſickneſs, or any other cauſe, could not attend, others, in that liſt, might be called, for we cannot ſupply there place by witneſſes not named in the liſt; it is therefore of neceſſity, that we have inſerted ſo many witneſſes to the ſame tranſaction, but I ſhall not trouble you with more than I think ſufficient to eſtabliſh the facts.

Gentlemen, I beg pardon for taking up ſo much of your time, but in a cauſe of ſuch importance and expectation, it becomes my duty to be as particular in the ſtate of the facts, materially affecting the priſoner, as it is in my power to do.

Counſel

Counſel for the Crown.

Mr. ATTORNEY GENERAL,
Mr. SOLICITOR GENERAL,
Mr. BEARCROFT,
Mr. LEE,
Mr. HOWARTH,
M. DUNNING,
Mr. NORTON,

Counſel for the Priſoner.

Mr. KENYON,
Mr. ERSKINE.

EVIDENCE FOR THE CROWN.

WILLIAM HAY *ſworn. Examined by Mr.* SOLICITOR GENERAL.

Q. Do you know the priſoner Lord George Gordon ?

A. Yes.

Q. Do you remember ſeeing him at any time at Coachmaker's-Hall ?

A. I ſaw the priſoner at Coachmaker's-Hall on the 7th of January, 1780.

Q. Did you ſee him at different times at that meeting between the 7th of January and the 2d of June, the day the multitude went to the Houſe of Commons ?

A. Five or ſix times, but not at that place, the aſſociation——

Q. What aſſociation ?

A. The aſſociation called the Proteſtant Aſſociation, was adjourned from place to place. It was adjourned to Greenwood's Rooms, in the Hay market ; to the Old Crown and Rolls, in Chancery-lane ; to the London Tavern, in Biſhopſgate-ſtreet ; and to St. Margaret's-Hall, in the Borough of Southwark.

Q. Did you ſee the priſoner at all or at any of thoſe places ?

A. Not at all but at moſt of them.

Q. Do you recollect which of them you ſaw him at ?

A. I ſaw him at St. Margaret's-Hall, at Greenwood's rooms, at the Old Crown and Rolls Tavern, Chancery-lane, and at Coachmaker's-Hall.

Q. Do you remember ſeeing him at Coachmaker's-Hall, at the laſt meeting, previous to their going up to the Houſe of Commons ?

A. I remember it very well.

Q. Do you recollect at that time any thing ſaid by the priſoner, and if you do, mention what it was ?

A. It was on the 29th of May I heard the priſoner announce to a very numerous aſſembly, the Hall was crowded, " That the Aſſociated Proteſtants (as they were called) amounted " to upwards of forty thouſand in number ; that on Friday the 2d of June it was reſolved, " they ſhould meet, at ten o'clock in the morning, in St. George's-fields, in four ſeparate " diviſions or columns, arrayed or dreſſed in their beſt clothes.

Mr. Kenyon. Was it arrayed or dreſſed ?

A. I think his words were, " to have your beſt clothes on, with blue cockades in your " hats, as he himſelf ſhould wear a blue cockade, to diſtinguiſh them from other people " who were Papiſts or friends to Roman Catholicks." His lordſhip gave orders how theſe four different bodies ſhould take their ground, and what fields they ſhould aſſemble in. I cannot charge my memory exactly with the poſitions of thoſe four columns, but I think the London diviſion were to go to the field on the right of the road.

Court. Do you at all recollect the order ?

A. I cannot charge my memory.

Q. Do you recollect any thing you heard ſaid by the priſoner ?

A. Not that evening ; but I recollect ſome evenings before, at the Crown and Rolls, Lord George Gordon being preſent, his lordſhip read over the preambles or certain parts of penal laws of Charles the Second, William and Mary, and George the Second. After reading thoſe acts, he obſerved, " That by his Majeſty's giving his aſſent to the " Quebeck law, and the late act of parliament tolerating the Roman Catholicks in Eng- " land, his counſellors had brought him to that paſs or ſituation in which James the " Second was after his abdication."

One of the Jury. Were thoſe his lordſhip's words ?

A. As nearly as I can recollect.—He then read his Majeſty's coronation oath, and ſaid " It was his opinion, that his Majeſty had broken that oath." He obſerved, that " the " people in his country did not mince the matter, they ſpoke out, or ſpoke their minds " freely, and avowed it to be true."

Q. Do

Q. Do you remember any thing elſe?

A. I do not recollect any thing elſe; theſe are the moſt emphatical expreſſions I can charge my memory with.

Q. You do not recollect, at preſent, any other inflammatory expreſſions made uſe of by Lord George Gordon, either at Coachmaker's-Hall, or any of the preceding meetings?

A. None.

Q. Did you go to the meeting in St. George's-Fields on the 2d of June?

A. I went there, but did not mix among the people.

Q. Did you ſee a multitude of people gathered together there?

A. A vaſt multitude.

One of the Jury. What number do you imagine there might be?

A. I cannot tell; I had never ſeen ſo many together before, and could not make a calculation.

Q. Had they any particular marks or badges?

A. They had all cockades, and there were banners.

Q. Was any thing written upon the banners or the cockades?

A. Nothing on the cockades that I obſerved. On the banners I think I ſaw *Proteſtant Aſſociation*; and one banner I believe had *No Popery!* on it.

Q. Did you ſee the priſoner there?

A. Yes. I ſaw him at a great diſtance; he was going off the field then towards the Houſe of Commons.

Q. Did you hear him addreſs himſelf to this multitude?

A. I could ſee Lord George Gordon was haranguing the people, but I was not near enough to hear what he ſaid.

Q. Which way did this multitude march?

A. I can ſay nothing of their marching, further than what I ſaw in Fleet-ſtreet. I came home and ſaw them come through Fleet-ſtreet, and march by St. Dunſtan's church, in their way to the Houſe of Commons.

Q. Was there a large number came that way?

A. Yes.

Q. Had they the ſame cockades and banners?

A. Yes, the ſame cockades, and one or two of the banners.

Q. Did you afterwards on that day come down towards the Houſe of Commons?

A. I did.

Q. Did you ſee a number of the ſame people about the Houſe?

A. I did; they appeared to be the ſame people.

Q. Had they the ſame cockades and banners?

A. Yes they had.

Q. Did you get into the lobby of the Houſe of Commons?

A. I was there about three hours.

Q. Was that filled with ſome of this multitude?

A. The lobby was crowded with them.

Q. What was their behaviour?

A. Very riotous. The noiſe was generally occaſioned by *chiming* of Lord George Gordon's name.—Lord George Gordon's name was the conſtant *chime*. The great noiſe appeared to me to be made by thoſe words *Lord George Gordon*.

Do you recollect their calling out at all to any of the members of the Houſe of Commons who were in the lobby.

A. I remember two or three members coming into the gallery over the lobby of the Houſe and ſpeaking to them.

Q. Do you remember the mob crying out to the people in the lobby?

A. I cannot pretend to ſay, there was ſuch great confuſion and noiſe.

Q. While theſe people were in the lobby, and you was there, did you ſee Lord George Gordon?

A. I ſaw my Lord George Gordon once in the place over the lobby.

Q. Did you hear him ſay any thing at that time?

A. Yes. He exhorted them, "To continue ſteadfaſtly to adhere to ſo good and glorious "a cauſe as their's was. He promiſed he would perſevere in it himſelf, and he hoped, "although there was very little expectation from the Houſe of Commons, that they "would meet with redreſs from their mild or gracious ſovereign."

Q. Do you recollect any thing elſe in particular?

A. I think

A. I think that is the ſubſtance of every thing I heard his Lordſhip ſay; I have repeated all the words that I thoroughly remember.

One of the Jury. Are you thoroughly ſatisfied that you have repeated the words of Lord George Gordon?

A. I am.

Q. Do you recollect ſeeing any flags at any other place in the courſe of the miſchief which followed?

A. I ſaw one of the flags at the burning of the Fleet-priſon; that flag which had the words *No popery!* on it.

Q. Could you perceive whether the perſon who had the flag at the Fleet priſon, was one you had ſeen in St. George's fields, or about the Houſe of Commons?

A. I am very clear it was the ſame man, for I looked at him.

Q. Where was it you had before ſeen that man, you ſaw with the flag at the Fleet priſon?

A. I ſaw him carrying that flag in Fleet-ſtreet.

Q. Do you mean at the time when the multitude marched to the Houſe of Commons?

A. Yes; and I ſaw that very man at Weſtminſter.

Q. It was on Friday the multitude were here; were you at either the Sardinian or Bavarian Ambaſſador's chapels?

A. I was at that chapel in Lincoln's-Inn-fields?

Q. At what time on Friday night was you there?

A. I think it was about ten o'clock.

Q. Did you ſee any miſchief done there?

A. A great deal. I was aſtoniſhed at the cruelty of what I ſaw.

Q. What was the cry of the people who were employed in that buſineſs?

A. It generally was, *No Popery!*

Q. Had the perſons that were doing that miſchief blue cockades in their hats?

A. I did not ſee a ſingle cockade in the chapel; I ſaw many with blue cockades before I got into the chapel, in the ſame ſtreet, Duke-ſtreet.

Q. Did thoſe perſons form a part of the ſame mob that did the miſchief?

A. They ſeemed to be by-ſtanders, they ſtood encouraging them.

Q. Did the people with blue cockades join with the people who were crying *No popery*?

A. It was while I was within the chapel, I heard the cry without the chapel. The perſon who did all the miſchief, whom I ſaw in the chapel, had no hat on; there were about five or ſix people in the chapel, but that man was the moſt active.

One of the Jury. You ſay thoſe that did the miſchief, had no cockades in their hats?

A. I did not ſee them have any.

One of the Jury. You ſaid thoſe that had cockades encouraged them; what do you mean by encouraging them?

A. The ſame as at all the fires; they ſtood by and protected and encouraged them.

Q. Were you preſent at any other fires, or the demolition of any other houſes?

A. I was preſent at ſeveral of the fires.

Q. Were you preſent at Mr. Langdale's?

A. I ſtood there about a quarter of an hour, I do not recollect the exact day, but it was the ſame day of the fire at the King's Bench, and the fire at the Fleet Market, the Fleet priſon.

Q. did the ſame cry prevail there of *No popery?*

A. The very ſame, that was obvious to every body.

Q. Do you recollect being preſent at any other fire?

A. Yes, at a public houſe the corner of Lincoln's-Inn-fields; they bronght the furniture out and burnt it.

Q. Do you recollect any other?

A. Yes I ſaw another houſe demoliſhed in Great Queen-ſtreet, but I do not know whoſe houſe it was.

WILLIAM HAY *Croſs-examined by Mr.* KENYON.

Q. Pray what are you?

A. By trade, a printer.

Q. Do you print on your own account, or are you a ſervant to any perſon?

A. I print

A. I print on my own account.

Q. I believe you have had misfortunes in the world, you were a bankrupt?

A. Yes.

Q. When did you firſt reſort to theſe meetings of the Proteſtant Aſſociation as they called themſelves?

A. I ſaid on the evening of the 10th of December.

Q. Was that the firſt time?

A. Yes.

Q. And you went, from time to time, to all the meetings that were held afterwards?

A. Yes, to the publick meetings.

Q. You were at ſeveral places where Lord George Gordon did not attend?

A. Yes.

Q. You have mentioned one place where Lord George Gordon was, at Greenwood's Rooms; now I deſire you to recollect, and ſay, whether you ſaw him at Greenwood's Rooms?

A. I think I ſaw my Lord once there, and I was there once when he was not; I was there twice.

Q. I caution you to be upon your guard?

A. I will; it is a very ſerious matter; I think Lord George was once at Greenwood's Rooms, and that the aſſociation was there once without his lordſhip.

Q. Then you cannot ſpeak with certainty?

A. Unleſs I look at ſome notes I cannot tell; I have ſome notes here.

Q. Did you make them at the time?

A. Yes, I generally made them that evening.

Court. You may refreſh your memory with them. *(Looks at his notes.)*

A. On the 21ſt of January, Lord George Gordon was not, I find, preſent at Greenwood's?

Q. Then you was miſtaken in that part of your evidence?

A. I was miſtaken.

Q. How came you, from time to time, to make notes of what paſſed at theſe ſeveral meetings?

A. I ſhall be very free in telling you, that I had an idea then, that this would be the conſequence of theſe meetings, I went almoſt purpoſely to take notes of them.

Q. And you went on that account to take notes of what paſſed?

A. A curioſity at firſt led me there, but when I ſaw what ſort of people they were, I was willing to look farther after them, for I dreaded the conſequence of their meetings?

Q. How ſoon had you this foreſight of what would happen. In the month of December you foreſaw what would happen?

A. I did not, I ſaid no ſuch thing; I foreſaw it on the 20th of February.

Q. Then the firſt time you foreſaw it was on the 20th of February?

A. I had foreſeen the evil conſequences, as far as man could, before that time, but on the 20th of February I had even written my thoughts upon it.

Q. Then the 20th of February was the firſt time you began to draw your concluſions?

A. It was.

Q. Then how came your notes and memorandums to have a date prior to that, you have notes ſo early as the 21ſt of January?

A. Without thoſe notes, I could not come to that concluſion in my own mind about the conſequences; I took notes on the 10th of December.

Q. I muſt return again to the queſtion I aſked before; how came you firſt to take notes.

Q. I never go to any publick meeting but I have an errand; I wiſhed to learn what thoſe gentlemen would be at; I put down then what occurred, and then entered it down after I came home.

Q. That is your conſtant courſe in all occurrences of life?

A. Yes.

Q. Can you tell us any one occurrence of your life, where you have committed to writing every thing that paſſed?

A. I do not know any one meeting of that kind, but I have put down as much as my memory would help me to.

Q. How many meetings of this kind have you reſorted to?

A. I never reſorted to any others of this kind.

Q. You ſaid you never attended any meetings reſpecting this kind of buſineſs; where you

you did not commit to writing what paſſed; now I want to know, what other meetings beſides the Proteſtant Aſſociation you have attended?

A. I have attended a great many meetings, but I cannot pretend to recite them.

Q. Have, you upon your oath, before God and your Country, put down every thing that paſſed at thoſe meetings?

A. I do not comprehend the nature of your queſtion.

Q. Have you ſet down any tranſactions at any other meetings, except thoſe of the Proteſtant Aſſociation?

A. I have many times undoubtedly.

Q. Tell me when and where?

A. The firſt notes I made in my life, were in the general aſſembly of the church of Scotland, the very firſt church I was ever in, in my life.

Q. How long is that ago?

A. Twenty two years ago; ſo early as that, and in 1765 and 1766, I took notes again.

Q. Did you do that becauſe you had a foreſight of any ill conſequences that would enſue from thoſe meetings?

A. I wiſhed to know what was going on there, or to oblige a friend to inform him what was doing.

Q. You were not only at meetings of the Proteſtant Aſſociation that were advertiſed, but happened likewiſe to be caſually at the chapel in Duke-ſtreet, at Mr. Langdale's, at a houſe-burning in Lincoln-Inn-fields, at a houſe-burning in Great Queen-ſtreet, and at Newgate?

A. The firſt you mention, was the burning the Roman Catholick chapel. I was coming home; a young gentleman was with me.

Q. Tell me his name.

A. M'Millan, he is here.

Q. Where did you meet with him?

A. I met with him accidentally; when we had notice they were demoliſhing the chapel, we were I think coming by Covent Garden, and we directed our courſe there.

Q. Coming home from whence?

A. From Weſtminſter.

Q. From the lobby I ſuppoſe?

A. Very likely ſo.

Q. At the time when you was in St. George's-fields had you a blue cockade in your hat?

A. I never had in my life.

Q. You ſay you was in the lobby of the Houſe of Commons?

A. I was.

Q. Did you go into the lobby with perſons who had blue cockades in their hats?

A. They were all there long before me. I went down after I had dined.

Q. Being crowded, and the place being full, ſtill there was room for you to get in?

A. Scarcely. I went in with Alderman Sawbridge.

Q. What hour did you get there?

A. At ſix or ſeven o'clock, I believe.

Q. When did you leave the lobby?

A. At nine o'clock; I looked at my watch when I came out, it was nine or perhaps ten minutes after nine.

Q. You ſay, at the time you was in the lobby, there was a great riot and confuſion, and you could not hear what paſſed there?

A. I heard exceeding well, too well what paſſed there, there was a great noiſe, I heard Lord George Gordon's name pronounced vociferouſly.

Q. The lobby is not a very large room. Were there a good number of people of the ſame deſcription as yourſelf, that were there merely from curioſity?

A. I ſaw none ſuch, it did not come from curioſity.

Q. Then you was the ſingle individual, that ſtood diſtinguiſhed from all the reſt who were there?

Q. There were more than I there; there was that man M' Millan, and an apprentice of my own, I took them on purpoſe with me.

Q. That they might be of what uſe?

A. I wanted

A. I wanted to enquire after ſome particular friends; I was afraid they might be hurt, I was afraid of myſelf.

Q. Being afraid of yourſelf, you who were not in the crowd before, nor in danger of being hurt, under ideas you might be hurt you went into the crowd in the lobby?

A. I was willing to ſee what they were about.

Q. Which of your friends did you conceive to be in danger?

A. When an alarm of that kind is gone out, one cannot but have ſome friend in danger; I cannot charge my memory with any particular friend.

Q. You ſaid Lord George Gordon deſired they would meet at ten in the morning, and put on their beſt clothes, or, as you chooſe to introduce it in your diſcourſe, to be arrayed in their beſt clothes, which was the word as far as you can recollect?

A. I think it was, "be ſure to be *in* your beſt clothes, or be *dreſſed* in your beſt clothes."

Q. He gave orders they ſhould be in four what ——?

A. Diviſions.

Q. *Columns* you called them?

A. I ſaid columns or diviſions.

Q. In St. George's-fields you were a conſiderable diſtance from Lord George; how near were you to the perſons who carried the two flags?

A. I ſaw one of the flags carried by a conſtable on my left hand; I was in the road; I did not go into the field.

Q. The perſons who carried the flags were I ſuppoſe ſurrounded by the reſt of the multitude?

A. No; they were not ſurrounded; I remember the London diviſion marching round, and the flags were carried but not ſurrounded; I ſaw them paſs. The flag was in the front of them.

Q. Did you accompany the London diviſion over the bridge?

A. No; I came over Blackfriars bridge, and went home directly.

Q. About what hour was that?

A. About two o'clock.

Q. At what hour did you leave your houſe to go down to the Houſe of Commons?

A. I will not poſitively ſwear to that, it was between five and ſix o'clock.

Q. And you went down immediately to the lobby of the Houſe of Commons?

A. I was there between ſix and ſeven o'clock.

Q. Then all the people that had paſſed by were in the avenues of the Houſe of Commons before this?

A. Yes.

Q. By what good luck then did you happen to ſee the flag in Fleet-ſtreet.—Where is your houſe?

A. Next St. Dunſtan's Church; I went upon the leads on purpoſe to ſee them with this Mr. M'Millan.

Q. One of the perſons you ſaw with a flag in Fleet-ſtreet you ſaw afterwards?

A. Yes; at the Fleet-priſon and in Weſtminſter.

Q. Can you deſcribe his dreſs?

A. I cannot charge my memory; it was a dreſs not worth minding, a very common dreſs.

Q. Had he his own hair or a wig?

A. If I recollect he had black hair; ſhortiſh hair I think.

Q. Was there ſomething remarkable about his hair?

A. No; I do not remember any thing remarkable; he was a coarſe looking man; he appeared to me like a brewer's ſervant in his beſt clothes.

Q. How do you know a brewer's ſervant when he is in his beſt clothes from another man?

A. It is out of my power to deſcribe it better than I do; he appeared to me to be ſuch.

Q. I aſk you how, by what mark, do you diſtinguiſh a brewer's ſervant from another man?

A. There is ſomething in a brewer's ſervant, in his condition of life, different from other men.

Q. There may be for what I know; but tell me how you diſtinguiſh a brewer's ſervant from another man.

A. Be ſo good as to ſtate the queſtion again.

Q. If there can be a doubt what the queſtion means in any one of this audience you ſhall have it repeated; you ſaid this man was like a brewer's ſervant, I aſked you by what

mark

mark you are able to diſtinguiſh a man to be a brewer's ſervant rather than of any other trade?

A. I think a brewer's ſervant's breeches, clothes, and ſtockings have ſomething very diſtinguiſhing.

Q. Tell me what in his breeches, and the cut of his coat and ſtockings it was by which you diſtinguiſhed him?

A. I cannot ſwear to any particular mark.

Q. Then you had no reaſon upon earth to uſe that word which came ſo flippant over your tongue that he was like a brewer's ſervant?

A. I cannot anſwer that queſtion if you put it to me a hundred times.

Q. You ſaid that one of the perſons who carried one of the flags in St. George's-fields was a conſtable?

A. Yes; I ſaid ſo.

Q. How do you know he was a conſtable?

A. The man was very remarkable; his name is Payne, he is a city conſtable.

Q. Are you of the Kirk of Scotland or a Roman Catholick?

A. I am of the Church of England.

Q. How came you to ſtay ſo long in the lobby of the Houſe of Commons?

A. I wiſhed to ſee an end to it.

Q. At what time did you ſee Lord George Gordon in the Balcony?

A. I heard him and ſaw him once; he was twice I think in the balcony while I was in the lobby.

Q. Did you inform the Secretaries of State or any civil magiſtrate of your apprehenſions in February of what would happen?

A. Yes; I did communicate my fears then.

Q. To whom?

A. A gentleman; I would rather not mention the gentleman's name.

Q. But you muſt do it?

A. I wrote my ſentiments of theſe mattters to a very particular friend, my ſentiments of this aſſociation meeting.

Q. You are aſked who that particular friend is?

A. Mr. Butler of Lincoln's Inn.

Q. Mr. Butler is a gentleman I have likewiſe the honour of knowing; Mr. Butler is I underſtand a Roman Catholick?

A. I never aſked him the queſtion.

Q. If he is your particular friend have you any doubt about it?

A. I have heard he is a Roman Catholick, I don't know that he is; I have a very high opinion of him.

Q. So have I; but have you the leaſt doubt of his being a Roman Catholick.

A. I have heard he is. I will not anſwer the queſtion becauſe I don't know it.

MR. WILLIAM METCALF *ſworn*; *Examined* by MR. BEARCROFT.

Q. Do you know the priſoner Lord George Gordon?

A. I do.

Q. Was you at Coachmaker's-hall at any time in the courſe of laſt ſummer?

A. I was.

Q. On what day?

A. I really do not know what day it was, farther than it was the day when the meeting in St. George's-fields was fixed on.

Q. Did you ſee Lord George Gordon there?

A. I did.

Q. What number of people might be at Coachmaker's-hall?

A. I am not able to judge what number of people there were, but the hall was ſo full that I could not get in.

Q. Did you learn what the purpoſe of the meeting was; by what was going forwards there.

A. I did not at that time; no farther than it was a meeting where Lord George Gordon was to be, and I went there merely out of curioſity.

Q. Recollect yourſelf and inform the Court what paſſed during the time you was there?

A. I went to a gentleman who had ſome knowledge of the perſon who I believe lives at the Hall, and by his means I got into the gallery.

Q. Relate what paſſed there, particularly what fell from Lord George Gordon himſelf?

A. Lord George Gordon was ſpeaking at the time I went in; I heard him deſire them to meet him in St. George's Fields; he reminded them "that the Scotch had

ſuc

" ſucceeded by unanimity, and he deſired that they would likewiſe be unanimous; he " hoped no one who had ſigned the petition would be aſhamed or afraid to ſhew himſelf " in the cauſe; that he would not preſent the petition, or that he begged leave to decline " it (I don't attempt to uſe his lordſhip's words, it is impoſſible) unleſs he was met in St. " George's-fields by twenty thouſand people; and he recommended to them to come " with ſome mark of diſtinction ſuch as a blue ribband in their hats," or words to that effect; " that they might be able to diſtinguiſh their friends from their foes," or to that purport; " that he himſelf would be there to meet them, and would be anſwerable for " any of them that ſhould be moleſted for meeting there; that he wiſhed ſo well to the " cauſe that he would go to the gallows *in* it or *for* it," words to that effect; I know the word " gallows" was mentioned; but the concomitant words I do not recollect, " but " that he would not preſent the petition of a lukewarm people." I forgot to tell your Lordſhip that Lord George Gordon told them to " meet in four bodies in St. George's- " fields;" each body I think was " to take one quarter of St. George's-fields."

Q. Do you recollect any thing more that fell from Lord George Gordon at the time you are ſpeaking of?

A. I do not.

Q. Was you in the lobby of the Houſe of Commons on Friday the 2d of June?

A. I was not there at all.

Q. Was you about the Houſe of Commons at all?

A. I was not.

Q. Was you in St. George's-fields at the time that had been appointed?

A. I was.

Q. What time did you get there?

A. I believe I might be there at about half paſt ten or eleven o'clock.

Q. Did you ſee the priſoner there?

A. I ſaw him come in a coach.

Q. Recollect yourſelf and give an account of what paſſed there, particularly what fell from Lord George Gordon himſelf?

A. I did not hear a word from Lord George; all that I ſaw was, that there was a vaſt number of people, and that they were occupying four different parts of the field, in four diſtinct bodies; there were two bodies that were forming like ſoldiers almoſt, eight or nine a-breaſt, a vaſt number of them; I did not ſee them ſo well formed in any other part as in that part.

Q. Was there any particular diſtinction amongſt them?

A. I ſaw blue ribbands in their hats; ſome had the words *No popery!* upon the ribband.

Q. What number of people might there be aſſembled in the fields?

A. I imagine I ſpeak within compaſs when I ſay there were thirty thouſand.

Q. Did you ſtay till they quitted the place?

A. I did not; I left them there.

Q. Did you ſee any thing that ſtruck you particularly?

A. I ſaw Lord George Gordon ſtanding ſurrounded by a vaſt number of people, and I underſtood him to be ſpeaking to them, but I was not near enough to hear him ſpeak.

Q. You left Lord George Gordon in St. George's Fields I believe?

A. I cannot ſay whether his Lordſhip was not gone at that time.

Q. Did you ſee any thing more of the priſoner that day?

A. I did not.

Mr. William Metcalf *Croſs-examined by* Mr. Erskine.

Q. You ſay the Hall was ſo crowded you could not have got in unleſs by a friend?

A. I could not.

Q. And you was placed in the gallery?

A. I got into the gallery.

Q. Can you recollect what time of the evening it was when you got into the gallery?

A. I took no notice of it at the time; the only way I can judge of it is, I dined that day at Goldſmith's-Hall, which is cloſe to that Hall; and after dinner we propoſed to go there; I ſuppoſe it was after ſix o'clock.

Q. How long did you ſtay?

A. I do not think I was there more than a quarter of an hour; if I was there a quarter of an hour it was the outſide.

Q. Where was Lord George Gordon when he ſpoke this; was he in the chair?

A. At the upper end of the room.

Q. You

Q. You made uſe of an expreſſion which afterwards you ſaid you was not ſure about; you uſed the word *gallows?*

A. I ſaid I would not be poſitive to the exact words in which Lord George Gordon expreſſed himſelf; but that he would go to the *gallows* in the cauſe, or for the cauſe, or to that effect.

Q. Are you ſure of the word *gallows?*

A. I am very ſure he made uſe of that word.

Q. You did not hear any more about what the cauſe was, did you?

A. I underſtood at the time, that the meeting was for the purpoſe of preſenting the petition.

Q. You ſaid you went out of curioſity, not knowing the purpoſe of the meeting; and then you ſpoke of hearing of the cauſe?

A. Yes.

JOHN ANSTRUTHER, *Eſq. ſworn. Examined by Mr.* LEE.

Q. Was you at Coachmaker's-hall on the 29th of May?

A. I was there upon a Monday; I will not be poſitive as to its being the 29th of May, it was the latter end of May.

Q. Did you ſee Lord George Gordon there?

A. I did.

Q. Did he or any perſon elſe act as preſident in any meeting that was then held?

A. I underſtood him to be acting as preſident; he appeared to me to be acting as preſident.

Q. What was the ſubſtance of the converſation at that meeting?

A. I heard Lord George Gordon ſay "he called that meeting for the purpoſe of informing them that he meant to preſent their petition" (meaning the petition of the Proteſtant Aſſociation,) "upon the Friday following to the Houſe of Commons; he deſired them to meet him in St. George's-fields, on the Friday following, for the purpoſe of preſenting their petition." I do not mean to be very accurate as to the words, it is impoſſible to recollect the very words at this diſtance of time; he ſaid, "if there was one man leſs than twenty thouſand he would not preſent the petition." He declared, after ſtating that if there was one leſs than twenty thouſand people he would not meet them there, "that without that number he did not think that their petition would be of conſequence enough." He declared "if they were fewer they muſt find ſome other preſident upon that occaſion; he would have no more to do with them; he recommended to them the example of the Scotch, who by their firmneſs had carried their point. He recommended temperance and firmneſs" and concluded with telling them "he did not mean them to go into any danger that he would not ſhare; for he was ready to go to death for the Proteſtant cauſe."

Court. Was *death* the word?

A. No; I rather believe *gallows* was the word, but I will not pretend to be accurate to the very words; that was the principal purport of the ſpeech I heard there.

Q. Was any thing ſaid that evening about the manner in which the people were to be diſtinguiſhed when they came to St. George's-fields?

A. That is a circumſtance I had forgot; "he deſired all true Proteſtants and friends of the petition to diſtinguiſh themſelves by the mark of blue cockades; he told them he would meet them in St. George's-fields; and when they came there, the body that were the London Aſſociation ſhould take the right hand, and the Scotch ſhould take the left hand." He diſpoſed of the other two I do not exactly remember how.

Q. Was you preſent near, or about the Houſe of Commons, upon the Friday after the day when the petition was actually preſented?

A. Upon the Friday after I was in the lobby of the Houſe of Commons, and was about the Houſe of Commons in the evening.

Q. Did you ſee Lord George Gordon there?

A. I came in by the door that goes down to the Houſe of Lords; I came forward towards the door of the Houſe of Commons; when I came near the door of the Houſe of Commons, I ſaw Lord George leaning from a gallery that looks down into the lobby of the Houſe of Commons; it is the gallery that goes from the committee rooms to the back door: I heard Lord George Gordon addreſs the people from that place. He came out, as I underſtood, for the purpoſe of telling them what had paſſed in the Houſe. He told them "that they had been called a mob within the Houſe;" he mentioned "that the peace-officers had been called in to diſperſe them," I think he ſaid "them peaceable petitioners."

One of the Jury. Did he or not ſay that?

A. I think he did, "That they had not given their reaſons to the houſe why they had "not diſperſed them; he believed the peace officers had ſigned the petition. That ſome "people had mentioned in the houſe ſomething relating to calling in the military. That "he hoped nobody would think of taking a ſtep of that ſort, as it would infallibly tend "to create great diviſions amongſt his Majeſty's ſubjects." He went on ſtating the impropriety of calling a military force in upon ſuch occaſions in a free country. He again mentioned the Scotch, pretty much in the ſame terms that he had done before, "how they by their ſteadineſs and firmneſs had carried their point; that he had no doubt "his Majeſty would ſend to his miniſters to deſire them to repeal the act, when he "found the confuſion it created"—or rather, which is nearer the idea, "when his Ma-"jeſty heard that his ſubjects were coming up, were flocking from miles round, and "wiſhing its repeal." There was a great deal of confuſion in the lobby; ſeveral people called to Lord Geoge Gordon, whether he deſired them to diſperſe? "Do you deſire us "to go away? Does Lord George Gordon deſire us to go away?" He replied, "You are "the beſt judges of what you ought to do, but I will tell you how the matter ſtands: "the Houſe are going to divide upon the queſtion, whether your petition ſhall be taken "into conſideration now or upon Tueſday. There are for taking it into conſideration "now, myſelf and ſix or ſeven others. If it is not taken into conſideration now, your "petition may be loſt. To-morrow the houſe does not meet; Monday is the King's "birth-day; upon Tueſday the parliament may be diſſolved"—or—"prorogued" I forget which was the expreſſion. That is almoſt all I heard him ſay. There was a good deal of confuſion in the lobby; ſeveral other members attempted to ſpeak, particularly Mr. Turner; but he was not heard. I obſerved ſome further converſation paſs between Lord George Gordon and the Chaplain of the Houſe, which I could not overhear.

Q. Were the people, whom Lord George Gordon was then addreſſing, diſtinguiſhed from the other people?

A. There were a vaſt number of people in the lobby of the houſe in blue cockades to whom he was addreſſing himſelf.

Q. Did you happen to be in Scotland at the time of any riots there?

A. I was not.

Q. Of courſe you do not know what happened there?

A. Not from my own knowledge.

The Rev. THOMAS BOWEN *ſworn. Examined by Mr.* HOWARTH.

Q. Did you officiate as chaplain in the Houſe of Commons upon the 2d of June laſt?

A. I did.

Q. Did you obſerve, in the courſe of that day any uncommon concourſe of people about the Houſe of Commons, and in the lobby?

A. I attended the Speaker to the Houſe; the lobby was exceedingly crowded, and the people there very clamourous. We got in without much interruption. After prayers were over, I went and ſat under the gallery, not far from the door. The tumult in the lobby continued, and while the houſe were deliberating what meaſures they ſhould take to quel it, I ſaw Lord George Gordon frequently go to the door, and heard him repeat to the people in the lobby what different members had ſaid in the debates. The Speaker was relating to the houſe, for the information of thoſe members, who had not been preſent from the beginning, ſeveral circumſtances that had occurred.

Mr. Howarth. You will confine yourſelf to the expreſſions Lord George Gordon made uſe of to the people in the lobby, while he was out of the Houſe, and not relate any expreſſions he made uſe of in the Houſe?

A. I ſaw him go to the door, and heard him ſay to the people, "The Speaker of the "Houſe of Commons has juſt ſaid that you are all come here under a pretence of re-"ligion." And I think his lordſhip then added, "you are good people, your's is a "good cauſe." Afterwards I heard him ſay, "Mr. Burke, member for Briſtol has ſaid"—the door was then ſhut, and I heard no more. Afterwards he called out, "Mr. Rous, "member for (I forget the place which he mentioned) has juſt moved that the civil "power be ſent for, but don't you mind, keep yourſelves cool, be ſteady." At another time his lordſhip called out, "Lord North calls you a mob." Once, while Lord George Gordon was at the door, I ſaw a gentleman go up to him, who ſeemed to me to be perſuading his lordſhip to return to his ſeat.

Q. You ſay *ſeemed* to perſuade?

A. I

A. I judged ſo from the manner of it. As ſoon as Lord George Gordon turned round and ſaw who it was, he called out to the people "this is Sir Michael le Fleming, he has juſt been ſpeaking for you." His lordſhip ſeemed to me remarkably pleaſed with Sir Michael, he patted or ſtroaked his ſhoulder, and expreſſed a kind of joy in his countenance which I hardly know how to deſcribe; it ſeemed to me extravagant, and if I may uſe the expreſſion, childiſh. This is all I recollect, to this period, whilſt I was ſitting under the gallery of the Houſe. When the diviſion was called for, upon the queſtion in the houſe, I withdrew. During the delay and confuſion, which was occaſioned by the people, who refuſed to quit the lobby, and by that means prevented the Houſe from dividing, I was frequently in the adjoining room; once while I was ſtanding near the little gallery over the lobby, I ſaw ſome genelemen endeavouring to perſuade the people to retire, one of the gentlemen aſked me to ſpeak to them; accordingly I ſpoke a few words; I told them they ſtopped their own buſineſs and begged them to retire, I heard a perſon in the lobby ſay very diſtinctly, "if his lordſhip would come and ſay that it was neceſſary for them to go they would go." Some time after this I went up into the eating room; while I was ſitting at table Lord George Gordon came into the room; ſoon afterwards there were ſcarce any perſon left in the room beſides Lord George Gordon and myſelf; his lordſhip had thrown himſelf into a chair near me, and ſeemed overcome with heat and fatigue; I thought the opportunity ſo favourable that I could not help telling his lordſhip what I had juſt heard from the lobby; I told him that a perſon there had ſaid that, "if his lordſhip would come and ſay that it was neceſſary for them to go; they would go," and I added as my own opinion, that I believed it depended wholly upon his lordſhip to diſperſe them; his lordſhip made no reply, and ſoon after left the room. Some time after this, I went down ſtairs, and ſeeing his lordſhip go towards the little gallery to addreſs the people, I haſtened to get near him; his lordſhip I think began with adviſing them, in general terms, "to be quiet "and peaceable, and ſteady; his majeſty (ſaid his lordſhip) is a gracious monarch, and "when he hears that the people ten miles round (I think ten miles round was the ex-"preſſion) are collecting; there is no doubt but that he will ſend his miniſters private "orders to repeal the bill." His lordſhip then mentioned the attempt that was made to introduce a bill into Scotland; "the Scotch (ſaid his lordſhip) had no redreſs, till they "pulled down the Maſs-houſes; Lord Weymouth then ſent official aſſurances, that the "act ſhould not be extended to them, and why ſhould they be better off than you." Here I muſt obſerve I have a doubt upon my mind, whether his lordſhip ſaid "the "Scotch had no redreſs till they pulled down the Maſs-houſes," or whether he ſaid, "when the Scotch pulled down the Maſs houſes they had redreſs;" his lordſhip then "adviſed them to be quiet and peaceable, and told them to beware of evil-minded "perſons who would mix among them and intice them to miſchief, the blame of which "(I think his lordſhip added) would be imputed to them." It was then I think a perſon in the lobby aſked his lordſhip "if it was not neceſſary for them to retire."

One of the Jury. Had that perſon a blue cockade in his hat?

A. I did not ſee his perſon, I only heard his voice. "I will tell you (ſaid his lordſhip) how it is; the queſtion was put," I think he ſaid "I moved the queſtion, that "your petition be taken into conſideration this night. Now, ſays he, it was clearly againſt "you, there can be no doubt, but I inſiſted upon dividing the Houſe: No diviſion can "take place while you are there, but to go or not I leave to yourſelves." As ſoon as his lordſhip had finiſhed, he aſked me, "if I would ſpeak to the people?" I ſaid, by no means, that his lordſhip was the only perſon who could ſpeak to them with any good effect. His lordſhip then took hold of my gown and preſenting me to the people called out, "this is the clergyman of the Houſe of Commons. I deſire you will aſk him "what his opinion of the Popiſh Bill is," and immediately urged me to give it. I replied to his lordſhip, with conſiderable warmth, that the only opinion I ſhould give, was, that all the conſequences which might ariſe from that night would be entirely owing to his lordſhip. Several gentlemen that were about us repeated my words. His lordſhip made no reply, and went into the Houſe.

Q. Had you an opportunity of obſerving what number of people were in the lobby, and about the Houſe at any time during this converſation?

A. The lobby was full.

Q. Did you obſerve any thing in the hats of the perſons to whom his lordſhip addreſſed himſelf?

A. I cannot ſay abſolutely that I did, I ſaw his lordſhip had a blue cockade.

Q. Did you hear any general cry by the people in the lobby?

A. They often called out for Lord George Gordon: as I followed the Speaker in, they called out *Repeal, Repeal, Repeal.*

Q. What

Q. What was the conduct of the perſons in the lobby?
A. They were exceedingly clamorous, I do not recollect any particular act of violence, only they made a great noiſe.
Q. Was there any articulate cry?
A. I do not remember any.
Court. Could the members paſs to and from the Houſe?
A. I ſaw ſeveral members come in with blue cockades in their hats; they ſeemed as if they could hardly paſs through the mob.

The Rev. Mr. BOWEN *Croſs-examined by Mr.* KENYON.

Q. You ſaw ſeveral members with blue cockades?
A. I do not know that they were members; I ſaw ſeveral gentlemen come in to take their ſeats, therefore I preſume they were members.
Q. Several?
A. I believe there were two. I ſaw one take out the cockade, as ſoon as he came into the Houſe, and put it into his pocket?
Q. Do you recollect who that member was?
A. I do not.
Q. Was this converſation with Lord George in the gallery or the lobby?
A. At the gallery that looks into the lobby.
Q. During that time there was a great tumult and noiſe?
A. Not during the time Lord George was ſpeaking.
Q. But during the time you had that private converſation?
A. That was not in the gallery.
Q. Where then was it?
A. It was in the kitchen, I believe it is called?
Q. The other converſation you ſay was in the gallery, when he ſpoke to the people?
A. In the gallery.
Q. Were there many people there?
A. Yes.
Q. Did you ſee Mr. Anſtruther there?
A. I did not.
Q. I preſume you were under ſome agitation of mind at the time?
A. I was under none 'till Lord George ſpoke to me to give my opinion.
Q. Before that time you was under no apprehenſions?
A. No particular apprehenſions.
Q. You had your full memory about you, and now undertake to ſpeak to the very words. You have not reduced them into writing, have you?
A. On Friday this happened; the next day there was an account in the papers of what happened there, in which I was mentioned; as I attended the Speaker as his Chaplain, I thought it neceſſary to write to the Speaker to give him an account of it, which I did in part.
Q. When Lord George told the people, that you was chaplain of the Houſe of Commons, that put you into a conſiderable flurry of ſpirits?
A. In a degree it did.
Mr. Howarth. How long did you ſtay in the Houſe?
A. I came away with Mr. Bacon in his carriage.
Q. At what time was the lobby cleared?
A. I ſtayed till the Houſe broke up, the paſſages were then quite clear.
Q. Do you know how they came cleared?
A. I do not.
Q. Did you ſee any ſoldiers there when you came away?
A. I ſaw ſome at ſome of the avenues.
Q. Did you go away as ſoon as you were able?
A. I wiſhed to go away much earlier. I went away after the Houſe broke up. I had an engagement on duty that evening. I went to the door-keeper of the back ſtaircaſe, he ſaid if I went out they would not admit me again, therefore I was obliged to ſtay. I was afraid to go out with my gown on.

JOHN CATER, *Eſq. ſworn, examined by Mr.* DUNNING.

Q. On the 2d of June laſt you was in the Houſe of Commons?
A. I was.

Q. Had

Q. Had you any occaſion to obſerve any thing that paſſed in the lobby at the time?
A. Yes.
Q. What did you ſee or hear from the lobby on the 2d of June?
A. As I had the honour of being in the laſt parliament with the noble lord, I ſhall be obliged to the Court for one moment's indulgence to explain my ſituation, out of reſpect to the noble priſoner. Having publickly related all that I have now to relate, in another place, and in the preſence of the noble priſoner, immediately after it happened, when I could have no view of this trial, I ſuppoſe to be a reaſon why I have been applied to by thoſe whoſe duty it is to carry on this proſecution. I hope the court and the noble priſoner will ſee that I am here without being officious, and free from malice or ill will, but having ſaid this, I muſt take the liberty of ſaying, when called before a court, I ſhall not ſhrink from that evidence.
Court. There is no apology neceſſary, every man muſt give his evidence.
A. On Friday the 2d of June, as I was paſſing from one of the Committee-rooms, while the lobby was filled with a multitude of ſtrangers, and the Houſe of Commons was under a queſtion which they could not decide, as the ſerjeant and the officers of the Houſe could not clear the lobby; as I was going through the paſſage at the top of the ſtair-caſe, where there is a rail that looks into the lobby, I heard and ſaw a perſon in the lobby who called aloud two or three times *Lord George Gordon!* I turned round and ſaw the noble priſoner near, who on hearing himſelf called came to the rail and looked over. I did the ſame cloſe to him. The ſame perſon ſaid, "My Lord we are ordered "to clear the lobby; if your lordſhip wiſhes we ſhould clear it, we will do it directly, "and without any trouble."
One of the Jury. Was this one of the officers of the Houſe?
A. No, a ſtranger. The noble priſoner replied, "I will tell you how the caſe "ſtands: I have moved to have your petition taken now into conſideration. Alderman "Bull and two or three more are for it, the reſt are againſt it; therefore if you wiſh your "petition ſhould be taken now into conſideration you may ſtay or do as you pleaſe." All in the lobby were ſilent and attentive; as ſoon as the noble priſoner had ſaid what I laſt related they pulled off their hats and cried, "*Now, now, now.*" I do not recollect any thing elſe.
Q. Was any thing ſaid by you to Lord George, or by Lord George to you?
A. I recollect there was a kind of pauſe. The noble lord leaned over again, and ſaid, "Would not you wiſh to be in the ſame ſtate they are in in Scotland?" they anſwered "Yes, yes," and he ſaid, "Well well;" that is all I recollect.

Mr. JOSEPH PEARSON *ſworn. Examined by Mr.* NORTON.

Q. You are door-keeper of the Houſe of Commons?
A. Yes, I am.
Q. Was you at the Houſe of Commons on Friday the 2d of June laſt?
A. Yes.
Q. At what time?
A. Between one and two o'clock.
Q. Inform the court what you obſerved in the lobby at that time?
A. A great crowd of people, moſt, if not all, of whom had blue cockades in their hats.
Q. Was there any general cry uſed by theſe people?
A. Yes; *No Popery, no popery! a repeal, a repeal!*
Q. How long did theſe perſons continue in the lobby?
A. Till near nine o'clock at night I believe.
Q. What was their conduct and behaviour during the time they were in the lobby?
A. What I mentioned before, calling out, *A repeal, a repeal! No popery, no popery!* When any members came in they cried out, *a repeal, a repeal!*
Q. Did you obſerve any thing done by any of them?
A. No.
Q. Did you obſerve the noble priſoner at the bar there?
A. He came to the door two or three times; I am not certain to the number of times; he told them "he ſhould come out and let them know what was going on in "the Houſe; they had a good cauſe, and they had nothing to fear." Lord George Gordon came up once, and ſaid "Sir Michael le Fleming had ſpoke in their behalf, and "that he ſpoke like an angel." They crowded much upon me. I ſaid for God's ſake, Gentlemen, keep from the door. Lord George put out his hand in this manner, *(waving it)*

" and ſaid, Pray, Gentlemen, make what room you can; your cauſe is good, and you " have nothing to fear."

Q. How was the paſſage to the Houſe of Commons?

A. Very much crowded in the lobby.

Q. You ſay they continued till near nine o'clock in the evening; how were they at laſt got out, and at what time?

A. I do not know, for in my confuſion and hurry I did not mark what time it was.

THOMAS BAKER *ſworn. Examined by Mr.* ATTORNEY GENERAL.

Q. You are the lower door-keeper of the Houſe of Commons?

A. Yes.

Q. Was you there on the 2d of June laſt?

A. Yes, from twelve o'clock.

Q. When did the people come to the lobby?

A. There were a great many people in the paſſage when I got there?

Q. What was their behaviour?

A. They were all very quiet when I went; afterwards the paſſage was very much crowded, ſo that it was difficult to make room for the members to go up to the lobby; by my endeavouring to make room for them they knew they were members, then they called out, *Repeal! No popery, no popery!*

Q. How long did they continue in this way?

A. 'Till eight or nine o'clock.

Q. How were they got out. Do you remember any guards coming?

A. Yes, they came before the lobby was cleared.

Q. Was you there the Tueſday following?

A. I was.

Q. What happened upon the Tueſday?

A. The crowd was all kept out on the Tueſday?

Q. How were they kept out?

A. By the conſtables I believe.

Q. Did you ſee them in the houſe or ſtreet?

A. I did not.

SAMPSON WRIGHT, *Eſq. ſworn. Examined by Mr.* SOLICITOR GENERAL.

Q. You are a Juſtice of the Peace for this city?

A. I am.

Q. Was you called for on the 2d of June laſt to the Houſe of Lords and the Houſe of Commons?

A. I was.

Q. Relate the occaſion of your coming there; what you obſerved; what directions you received; and how you executed them?

A. I firſt came down, between two and three o'clock; I obſerved a vaſt number of people there, but ſeeing no diſturbance at all, I went back to dinner. I returned back to Guildhall, Weſtminſter, at about four o'clock; as ſoon as I entered the Guildhall, a meſſenger from the Houſe of Lords told me I was wanted there. I went with him to the Houſe of Lords, where I received directions to clear the avenues to that Houſe. The meſſenger who came from the Lords having told me the Lords were much interrupted in going to and coming from the Houſe, I directed Smith, the court-keeper at Guildhall, to collect what conſtables he could and come to me. Having received the directions I mentioned I returned to the Guildhall; I found the windows were much broken; when I entered the Guildhall I found many people running about the Houſe as if ſeeking for ſomebody. I enquired the occaſion.

Q. That is immaterial, mention what you obſerved when you came to the Houſe of Commons?

A. There were prodigious crowds there; I never ſaw ſuch a number of people collected together in my life, except upon one occaſion, the coronation. I went to the Horſe-Guards; from thence I was directed to St. James's to get ſome of the military to aſſiſt. From thence I was inſtructed to go to the Savoy. After ſome time a number of the military came to the Horſe-Guards, and I came down with them to the Houſe of Lords. The Lords were that moment broke up; I then went to the Houſe of Commons, and with the guards I cleared the avenues to the Houſe of Commons and the Houſe of Lords.

Q. Had

Q. Had you a difficulty in doing it?
A. Yes; and it took up a conſiderable time, but I effected it at laſt?
Q. What time of night might it be?
A. I cannot ſpeak with certainty, I think it muſt be paſt eight o'clock.
Q. Were you there on Tueſday?
A. I was at Charing-Croſs on Tueſday?
Q. Did you ſee the mob go down with any marks upon them on Tueſday?
A. I ſaw a vaſt many people go up in a body with colours flying on Tueſday?
Q. Had they any thing in their hats?
A. Yes, blue cockades.

SAMPSON WRIGHT, *Eſq. Croſs-examined by Mr.* KENYON.

Q. Do you know what the colours were?
A. I did not take notice.
Q. I believe they were not properly ſpeaking colours, but rags?
A. I cannot ſay, there was ſomething they carried in their hands, ſtreamers or ſomething of that ſort, but I cannot ſay particularly what they were.

SAMPSON RAINFORTH *ſworn. Examined by Mr.* BEARCROFT.

Q. Was you in Palace-yard on the 2d of June laſt?
A. I was at the King's Arms tavern and ſaw all the proceſſion go by?
Q. What time of day was you there?
A. At twelve o'clock. At about one, a party came over Weſtminſter-bridge with blue cockades in their hats.
Q. What number might there be?
A. May be two hundred or thereabouts, they came acroſs the bridge and marched directly down George-ſtreet and went into the Park.
Q. Did they ſay any thing; was there any cry amongſt them?
A. No; they were very peaceable; at about two the whole cavalcade came with flags, I do not know whether there were not bagpipes, they went very orderly. A gentleman was with me, I ſaid we will go to the lobby of the Houſe of Commons and ſee what they are doing there.
Q. Which way did the ſecond party come?
A. From Charing-Croſs.
Q. Which way did they march?
A. Towards the Houſe of Commons.
Q. Did you obſerve any ribbands in their hats?
A. Almoſt every one that walked in the proceſſion had a blue ribband. My friend and I went to the lobby of the Houſe of Commons; it was exceedingly full; the door of the Houſe was open; the Speaker was not in the chair. Lord George had his cockade in his hat; he was ſtanding in the door-way.
Q. What ſort of people were got there?
A. The lower ſort of people; ſome were decently dreſſed.
Q. Were they the ſame ſort of people you ſaw paſs?
A. Yes.
Q. How long did you ſtay there?
A. I ſtayed about ten minutes; Colonel Miles was there; he was ordering them to make a lane, and he was directing them to ſay as the members came paſt, *Repeal the bill, repeal the bill!* Then I went to ſee what was doing at the Houſe of Lords; I ſaw a noble lord not very well treated. At about eleven o'clock in the evening a meſſenger brought word to the company where I was ſpending the evening, that the mob were burning down the Sardinian ambaſſador's chapel in Lincoln's-Inn-Fields. I propoſed for us to go there. I went. I made my way into the chapel; it was not then on fire; they had torn down the organ and had made fires in the ſtreet; ſome were throwing the inſide of the chapel out, and other people threw it into the fire; there were not above five or ſix people in the chapel; I immediately ſeiſed a young fellow who was in the chapel.

Mr. Kenyon. I muſt ſubmit to the court whether this is evidence to affect Lord George Gordon; theſe people were no ways connected with him?

Court. No doubt it is evidence; they are to ſhew that theſe people were illegally aſſembled, and committing acts of violence to the intent of forcing a repeal. You have not examined yet to the proceſſion coming down, and the obſtruction given to the members.

members. The witneſs ſaid, but he was ſtopped ſhort in the examination, that he ſaw one of the lords ill-treated?

A. When I quitted the lobby, I went to ſee what was doing at the Houſe of Lords; Lord Mansfield came in his carriage; ſeveral of the biſhops came, and were all inſulted. I ſaid to my friend, here will be an open inſurrection in my opinion before this buſineſs is done.

Q. Did you obſerve any thing more, at either of the two Houſes of Parliament, till you went to Lincoln's-inn-fields?

A. Nothing more, for I ſtayed but a little while; I went to the Sardinian ambaſſador's chapel at about half after eleven clock; I ſeiſed one by the collar in the chapel. Mr. Maberly who was along with me, joined; me we brought him almoſt as far out of the mob as Mr. Carpues, a ſilk dyer's door; ſome of the mob ſaid of me "d——n him, that is the late high conſtable, knock him on the head," then they reſcued the man.

Q. What number of people do you ſuppoſe there were about the chapel?

A. There might be two or three hundred.

Q. What was the cry amongſt them?

A. *No Popery*! was the reigning cry amongſt them.

Q. Had they any cockades in their hats.

A. Moſt of them had blue cockades in their hats.

Q. What became of the man you got out of the mob?

A. He was reſcued from me by the mob, and I was in great danger of being knocked on the head. I went down to Somerſet-Houſe barracks immediately for the Guards; General Winyard, as commanding officer, gave me his aſſiſtance, and muſtered one hundred men with their bayonets. I deſired Mr. Maberly to get ſome of Sir John Fielding's people and ſeiſe ſome of the ringleaders, and I would come up with the Guards and aſſiſt. Upon my going up I deſired every perſon in the chapel might be taken into cuſtody. The gentlemen there thought I underſtood ſomething of rioting buſineſs. I formed the ſoldiers round three deep, and made a priſon in the ſtreet.

Q. Where the mob diſperſed?

A. At laſt they were; with the aſſiſtance of the ſoldiers we took up thirteen; we took them to the Savoy; for I beleive the watch-houſes would not have long exiſted if we had put them there. When I came back they had got ſome more in cuſtody; the Ruſſian officer was one; he was in the ambaſſador's houſe. More ſoldiers being brought up the mob diſperſed. The next morning, which was Saturday, they were examined at Sir John Fielding's office; one was diſcharged; the reſt were remanded back to priſon till Monday. On Monday they were examined again and five of them were fully committed to Newgate.

Q. Did you give any evidence before the juſtice!

A. No, but I attended there.

Q. Was it attended with any ill conſequences to you?

A. I had notice that they intended to deſtroy my houſe. I went out of it; my property was taken out into the ſtreet and burnt, and the inſide of my houſe was deſtroyed.

Court. You ſaid ſome lords and biſhops were inſulted as they went down to the Houſe of Lords; in what manner were they inſulted?

A. They were hiſſed, and I ſaw the mob ſhoving them about.

CHARLES JEALOUS *ſworn. Examined by Mr.* Howarth.

Q. Were you on the 2d of June in Palace-Yard?

A. I was.

Q. Give an account of what you obſerved there; the number of perſons; and in what manner they aſſembled themſelves?

A. I ſaw a great number of people there; I had not been there long before I ſaw a carriage ſtopped; I was informed it was the Biſhop of Lincoln's; the wheels of that carriage were taken off, and I ſaw a gentleman pulled out, which they told me was the Biſhop of Lincoln; they pulled off his wig and ſtruck him in the face with it.

Q. Were his horſes going towards the Houſe of Lords?

A. Yes.

Q. What was the cry at that time?

A. *No Popery.*

Q. Was any other cry made uſe of?

A. I don't recollect.

Q. In what manner did the Biſhop of Lincoln eſcape from them?

A. He got into an houſe, but whoſe houſe I do not know. I ſaw no more of them.

Q. What number of perſons got about his carriage do you think, and were aſſembled in Palace-Yard at that time?

A. A great

A. A great number.
Q. Had they any thing in their hats?
A. Thoſe that I ſaw pull off the Biſhop's wig had no cockades at all.
Q. Were there many perſons there who had?
A. Yes a great many.

PATRICK MACMANUS *ſworn. Examined by Mr.* HOWARTH.

Q. You was I believe in Palace-Yard on the 2d of June?
A. I was ſtationed at Guildhall, in King-Street.
Q. Did you obſerve any number of people aſſemble themſelves about Palace-Yard and the avenues leading to the Houſe of Commons, if you did give an account in what manner they came there, and what their conduct was?
A. I was ſent from Bow Street to Guildhall; I heard a noiſe; a gentleman ran in there, and a number of people after him, they cried out *No Nopery*! and *repeal the act!* Mr. Smith, the houſe-keeeper, and I, attempted to ſhut the door, but could not do it, they forced it open. Mr Smith went down Stairs and brought up ſome broomſticks in his hand, and ſaid we would keep them out.
Q. Did you learn who this Gentleman was who ran through?
A. I heard them ſay it was Mr Welbore Ellis, but I did not know him.
Q. Did you obſerve his carriage?
A. I did not ſee his carriage, I was in the houſe.
Q. What did the people proceed to do?
A. They ſearched all the place and could not find him; they broke the back-door which goes out of the hall into the paſſage, which they ſaid he went through, but they could not find him; ſome of the windows in front of the houſe were broke.

DAVID MILES *ſworn. Examined by Mr.* NORTON.

Q. You are a conſtable?
A. Yes.
Q. Was you in Warwick Street on the 2d of June?
A. Yes; I went from the Houſe of Commons there at paſt eleven o'clock; I had been home to my own houſe, and underſtood there was a mob at Warwick-Street chapel; I went to Count Haſlang's houſe; the chapel was broke open before I got there.
Q. Was you at Sir John Fielding's on the Monday following?
A. I was; I took a man up for robbing Count Haſlang's chapel by order of Juſtice Hyde. I took him to Saint James's watch-houſe and from thence to Bow-Street; I attended the examination of this man; my name was in the papers on Tueſday the 6th, and my houſe was burnt down between Tueſday the 6th and three o'clock on Wedneſday the 7th.

Mr. THOMAS GATES *ſworn. Examined by Mr.* ATTORNEY GENERAL.

Q. You are the City Marſhal?
A. I am.
Q. Do you recollect any diſturbances in the City of London on Sunday the 4th of June?
A. I recollect a diſturbance on both Sunday and Monday the 4th and 5th of June. On the 4th it was in Whites-Alley, Moorfields, it was at a Roman Catholick chapel.
Q. Were there any houſes deſtroyed?
A. Yes, three houſes were deſtroyed there.
Q. Where they the houſes of Roman Catholicks?
A. I believe they were; they were reputed ſo.
Q. What was the cry?
A. *No Popery*!
Q. What was done upon the Monday?
Mr. Kenyon. I ſhall not permit improper queſtions to be aſked without objecting to them; this is not connected with the buſineſs of Friday, it is a different overt act; it is in a different county.
Mr. Attorney General. After proving an overt act in one county I may give evidence of one in another.
Mr Kenyon. I object to it, becauſe it is irregular; not for fear of the conſequences to my client.
Mr Attorney General. I ſubmit to the court, that after the incitement we have proved, whether the buſineſs was all done on Saturday night, or continued for ſeveral days, it is evidence to be received—it was the ſame cry.

Court. No doubt you are at liberty to give in evidence every thing which ſhews that the mob, ſo aſſembled, on the 2d of June, had a general intent, by terrorand acts of violence, to force a repeal of the law. That does not affect the priſoner till you make him acceſſary and privy to it; but every circumſtance that tends to ſhew their intent you may give in evidence. If you give evidence of an overt act in the county where it is laid, you may to be ſure give evidence of an overt act in another county, and you have done it already, for you began with an overt act in the county of Surry. We cannot adjourn in this caſe at all. I wonder you don't rather confine your examination to acts of violence at the very time, on the 2d of June, upon the members of both Houſes of Parliament.

Q. Had the people any cockades?

A. They had blue cockades.

Q. What was done upon the Monday?

A. They had not completely finiſhed the buſineſs they were about, they aſſembled again to pull up the floors and demoliſh the walls,

Q. What was done on the Tueſday?

A. They had fired the gaol of Newgate, the Fleet, Mr Langdale's, and ſeveral other houſes.

Q, Were they the houſes of reputed Roman Catholicks?

A. They were.

Q. They ſet fire to the gaols?

A. Yes, and delivered all the priſoners.

Q. What was done the next day?

A. They met a repulſe the next day.

Q. What was the cry, at all theſe times, when they pulled down theſe houſes?

A. *No Popery.*

Court. You ſaid the cry was *No popery*, do you mean to confine that to one day, or was it every day?

A. That cry continued every day till the ſoldiers fired at them.

WILLIAM HYDE *Eſq. ſworn. Examined by Mr.* HOWARTH.

Q. You are a juſtice of the peace for this county?

A. Yes.

Q. Was you on the 2d of June obſerving the conduct of the people at the foreign miniſters chapels?

A. Yes; I was in Warwick-Street on Friday at about 12 o'clock at night; when I came down to Warwick-Street I ſaw a vaſt number of people with cockades in their hats; I went with a party of ſoldiers to ſecure as many of the rioters as I poſſibly could; as ſoon as I came to the front of the houſe I ſaw a man bringing ſomething out belonging to the chapel. I ſtruck at him, I knocked him down, and ſent him to the watch-houſe.

Q. Was the chapel deſtroyed?

A. All the inſide of it was.

Q. Was any cry made uſe of by the people you ſaw aſſembled there with cockades?

A. Yes, *Down with it! No popery!*

Q. What force had you to diſperſe this mob?

A. About twenty ſoldiers.

Q. Do you remember, on the Suuday evening following, being called upon to act any where as a magiſtrate?

A. I was called upon, on the Sunday evening, to go to Lincoln's-Inn-Fields, there were a number of people demoliſhing the remainder of that chapel.

Q. What number of perſons did you obſerve there?

A. Some hundreds or thouſands.

Q. Did you obſerve whether they had any cockades?

A. I cannot take upon me to ſay.

Q. What did you obſerve on the Monday?

A. I was at Warwick-Street chapel on the Monday; information came to me, that they were going to deſtroy Sir George Savile's houſe; I ſet out; there were a vaſt number of people with cockades in their hats, the horſe guards immediately came into the ſquare, I went at the head of them, and with a great deal to do we drove the people away.

Q. Was any general cry made uſe of by the people at Sir George Savile's?

A. Yes, *down with it! No Popery!*

Q. Do you recollect on the Tueſday, the 6th of June, being called upon any where?

Q. On Tueſday the 6th of June I met ſome of my brother magiſtrates at Weſtminſter; my ſtation was fixed at Charing Croſs. While I was there I was informed a vaſt number of people had come with flags, and ſtopped all the avenues to both Houſes of Parliament.

I found

I found ſeveral coaches were ſtopped in Parliament-Street, and ſeveral in Palace-Yard; ſome they wrote upon *No Popery*, others they would not let go along at any rate. I immediately ſet off to acquaint ſome more magiſtrates, who were in the neighbourhood; I then went to call out the horſe and foot guards; when we came into Palace-yard we ſaw ſeveral coaches ſtopped by the mob; we drove the mob away and the coaches went peaceably along.

Q. Do you know to whom thoſe coaches belonged?

A. No; while we were in Palace-yard clearing the way, information was brought that many coaches were ſtopped in coming to the Houſe; I ſet out to clear Parliament-ſtreet ſeveral times; at laſt a gentleman came and ſaid "Lord Sandwich was killed or lay dying in Parliament-ſtreet; that he was murthered or near it, or would be before we could arrive?" We ſet off directly; at the end of Parliament-ſtreet we found Lord Sandwich's carriage broke, and his lordſhip was cut upon the left ſide of his head.

Court. Was that done by part of this multitude?

A. By part of the mob.

Q. In what ſtate did you find him?

A. The mob was about his lordſhip; he was cut on the head, and the glaſſes of the chariot were broke; I aſked his lordſhip which way he would pleaſe to go, he ſaid home; I conducted him home.

Q. What force had you with you at that time?

A. I ſuppoſe a dozen or fourteen of the light-horſe; after conducting his lordſhip home we came back again to Parliament-ſtreet where the coaches as uſual were ſtopped; we cleared the ſtreet as well as we could and got into Palace-yard again.

Q. Had thoſe perſons about Lord Sandwich's coach any cockades in their hats?

A. They had blue cockades in their hats.

Q. Was there any cry made uſe of by theſe people?

A. In Parliament ſtreet the cry was *No popery!*

Q. Did you obſerve that this mulritude, who aſſembled on Tueſday, had any thing in their hands?

A. At firſt they had no weapons; there were flags flying, they were ſhouting and making a noiſe, and crying *No popery!* In the beginning of the afternoon, or about three or four o'clock they got ſome weapons.

Q. What weapons?

A. New faggot ſticks, oak ſticks, the bark of which had been peeled off; this was on Tueſday the 6th of June.

Q. What number of theſe people were there thus aſſembled?

A. I ſuppoſe ſome thouſands.

Q. In conſequence of this conduct of your's, was any thing done to your houſe?

A. My houſe in St. Martin's-ſtreet was pulled down on Tueſday, and on Wedneſday my houſe at Iſlington was pulled down.

WILLIAM HYDE ESQ. *Croſs-examined by Mr.* KENYON.

Q. You was not preſent when Lord Sandwich was ſtopped, and his carriage broken?

A. I was not.

Q. You knew nothing of the parties who did that?

A. No.

Mr. Attorney General. You found Lord Sandwich in the hands of the mob?

A. I did; one man, a reſolute impudent fellow, had a ſtick with a large head, with a leather apron or ſomething twiſted round the top of it, he ſaid "if he did not murder "him then he would before he had done with him."

Mr. Kenyon. Who that man was you do not know?

A. I do not, my attention was to his lordſhip.

The Right Hon. HENRY *Lord* PORCHESTER *ſworn. Examined by Mr.* ATTORNEY GENERAL

Q. Was your lordſhip at the Houſe of Commons on the 2d of June laſt?

A. I was.

Q. Was there a riot at the Houſe?

A. There was.

Q. Did you obſerve any thing in the hats of the rioters?

A. Yes, blue cockades.

Q. Did your lordſhip obſerve, whether the priſoner had or not a blue cockade that day?

A. I did not ſee the priſoner that day but in the Houſe of Commons. I ſhall wiſh, if I may be permitted, to aſk of the Court———

Court.

Court. It is not worth while to loſe a minute about it, for ſeveral of the witneſſes have ſaid they ſaw him with a blue cockade.

One of the Jury. Had Lord George Gordon a blue cockade on Tueſday the 6th?

A. I only ſaw the priſoner in the Houſe.

Court. No matter where; did you ſee him with a blue cockade on the Tueſday?

A. I certainly did in the Houſe.

JOHN LUCY *ſworn. Examined by Mr.* NORTON.

Q. Was you in Palace yard on Tueſday the 6th of June?

A. I was.

Q. At what time?

A. Between four and five o'clock in the afternoon.

Q. What did you obſerve there?

A. A very large mob.

Q. Had they any thing in their hats.

A. Some had blue cockades but I had not one in my hat.

Q. Was there any general cry amongſt them;

A. The cry of *No popery*!

Q. Did you ſee them have any flag?

A. I ſaw three flags.

Q. Do you know any of the perſons who carried thoſe flags?

A. Yes one, James Jackſon. As ſoon as Juſtice Hyde had ordered the horſe to ride amongſt the mob to diſperſe them in Palace yard, then Jackſon hoiſted the flag and ſaid "to Hyde's houſe a-hoy," for them to deſtroy it becauſe Mr. Hyde had ordered the horſe to ride amongſt the mob. Jackſon carried a black and red flag, he proceeded in front of the mob and was followed by ſome hundreds of people to Juſtice Hyde's houſe. I went to Mr. Hyde's houſe and ſaw James Jackſon there with the ſame flag, and I ſaw the goods thrown out of Mr. Hyde's houſe.

Q. How long did the mob ſtay there?

A. Near an hour I believe.

Q. What was done afterwards?

A. After the goods were thrown into the ſtreet and burnt, James Jackſon waved his flag and walked backwards and forwards in St. Martin's-ſtreet, and then cried out "a-hoy for Newgate;" the mob followed him in great numbers to Newgate to let out the priſoners, I ſaw him afterwards at Newgate, and I ſaw him inſide Mr. Akerman's parlour at the window, with the flag in his hand.*

Q. Was Newgate burnt?

A. It was. I was one of the Proteſtant Aſſociation; I knew this James Jackſon to be a very deſperate young fellow.

BARNARD TURNER, ESQ. *ſworn. Examined by Mr.* HOWARTH.

Mr. Kenyon. What buſineſs are you?

A. A ſugar refiner.

Mr. Howarth. You will pleaſe to inform the Court of the diſturbances on the Wedneſday night which fell within your obſervation?

A. On Wedneſday evening, about ſix or ſeven o'clock, the London Military Aſſociation, which I had the honour to command, marched to Broad-ſtreet, to diſperſe a mob which was then deſtroying a Mr. Donavan's houſe. We came in ſight of Mr. Donavan's houſe, and ſaw a very large mob were taking out the furniture from Mr. Donavan's houſe, and burning it in the ſtreet before the houſe; we halted a little before we came to them, and I as commanding officer of that detachment, uſed all the auguments I could to diſperſe them without force, but I found it ineffectual and we were afterwards obliged to fire; after firing for four or five minutes, the mob diſperſed and ſome priſoners were taken in Mr. Donavan's houſe; afterwards the Aſſociation marched down to St. Catherine's, where ſome of the mobwere deſtroying the houſe of one Lebarty; the reſt of Wedneſday evening and Thurſda morning, the Aſſociation were employed in marching after the mob, where-ever they heard they were aſſembled, and diſperſing them

* James Jackſou was tried at the Old Bailey in June ſeſſion, for being concerned in the demolition of Mr. Akerman's houſe, of which he was convicted, and was executed. See the Seſſions-Paper in the laſt mayoralty. No. 416, page 615.

them on Thurſday, about ſix or ſeven o'clock in the morning, the Aſſociation were diſmiſſed for that time.

Q. Was there any general cry made uſe of by the perſons concerned in the deſtruction of theſe houſes?

A. the general cry I obſerved was "*No popery, no popery! Down with the papiſts,*" and expreſſions of that kind.

Q. Mention to the jury the ſeveral places which you obſerved deſtroyed on the Wedneſday night and Thurſday morning?

A. We ſaw the houſe of Mr. Mulliner in the Poultry attacked, but the Guards had diſperſed that mob before the Aſſociation aſſembled --We ſaw beſides, the fire at Mr. Donavan's, the deſtruction of Lebarty's houſe, and ſeveral fires at a diſtance; that of Mr. Langdale's, the diſtiller, at Holbourn-bridge, the Toll-houſes, and the King's Bench Priſon. All thoſe fires we ſaw from different parts of the town when we were upon duty.

Q. Did you obſerve whether the mob had any thing in their hands?

A. Some had iron bars, ſome had ſpokes of wheels, and ſome few had cutlaſſes. There were one or two old pieces of fire-arms among the mob, at Mr. Donavan's houſe; but they were chiefly armed with bludgeons, ſpokes of wheels, and iron bars.

Q. Did you obſerve whether theſe perſons had any cockades in their hats?

A. A great number of blue cockades were worn all Wedneſday evening.

Q. Did you ſee in Cheapſide, either that night or next morning, a conſiderable number of people?

A. The Aſſociation aſſembled at the Paul's-Head, about ſix in the evening. In marching down from thence to the Manſion-houſe, the part of Cheapſide and the Poultry we marched through, were ſo full of the mob, that it was with difficulty we got through.

Q. Had thoſe perſons any cockades in their hats?

A. Many of them had, but that aſſembly were not armed in the manner thoſe perſons aſſembled at Mr. Donavan's houſe were.

Q. Was any cry then among them?

A. The general cry was, "*No Popery! Down with the papiſts!*"

RICHARD POND *ſworn. Examined by Mr.* ATTORNEY GENERAL.

Q. Look at that paper *(handing it to the Witneſs)* is the name to that, the ſignature of the priſoner at the bar, Lord George Gordon?

A. I ſaw a perſon ſign it, who I was told was his lordſhip.

Q. Have you ſeen the ſame perſon ſince?

A. I do not recollect that I have.

Q. Look round the court and ſee if the perſon is preſent who ſigned it?

A. That is the perſon *(pointing to Lord George Gordon.)*

Q. Why did you apply to him?

A. I thought it might have the effect to obtain a ſecurity to my houſe.

Q. Did it obtain that ſecurity to your houſe?

A. That I cannot ſay.

Q. Did you produce it on any occaſion?

A. I did to the mob.

Q. Was your houſe pulled down?

A. It was not.

Q. What was the ground of your application about your houſe?

A. I was informed by ſome neighbours, that my houſe was upon the liſt amongſt others which were intended to be pulled down.

Q. Was you any way connected with the Roman Catholicks?

A. The houſe was inhabited by one of that religion.

Q. Inhabited, or a lodger?

A. It is an houſe I have upon leaſe; the perſon who inhabits it has a leaſe under me, he is my under tenant.

(*The paper read——it was literally as followeth:*)

"All true friends to Proteſtants I hope will particular and do no injury
"to the property of any true Proteſtant, as I am well aſſured the
"proprietor of this houſe is a ſtaunch and worthy friend to the
"cauſe.

G. Gordon."

RICHARD POND *Croſs-examined by Mr.* KENYON.

Q. Where was Lord George Gordon when that paper was ſigned by him?
A. In a coach near the place.
Q. Was there not one of the magiſtrates in the coach with him, Mr. Pugh, the ſheriff?
A. Yes, Mr. Pugh I can ſwear to.
Q. Did you bring that paper ready written and produce it to his lordſhip?
A. I did.
Q. And you told him it would be of uſe to you if he would ſign it?
A. I did.
Q. On what day of the week was it?
A. I believe on Wedneſday.
Q. He was in the coach with Sheriff Pugh; you took the paper to him ready written; you told him you thought it would be of uſe to you if he would ſign it, and in compliance with your requeſt he ſigned it?
A. Yes, he did.
Q. Do you know whether he read it or not?
A. That I cannot poſitively ſay.
Q. How came that piece of paper out of your hands?
A. Upon the application of Mr. White and Mr. Alderman Wilkes.

JOHN DINGWALL *ſworn. Examined by Mr.* BEARCROFT.

Q. Do you know Lord George Gordon?
A. Yes, I do.
Q. Did you ever ſee him write?
A. Never.
Q. Upon your oath did you never ſee him write?
A. Never to my knowledge; I never ſaw him ſubſcribe his name in my life, nor I never received a letter from him.
Q. Will you take upon you to ſay you never ſaw him write any thing?
A. Not to my knowledge.
Q. Did you ever ſee him write any thing but his name?
A. To my knowledge I never ſaw him write.
Q. Do you mean to ſay to the beſt of your recollection and belief you never ſaw him write?
A. To the beſt of my recollection and belief I never ſaw him write.
Q. Nor had any correſpondence with him?
A. None that I know of.

JOHN DINGWALL *Croſs-examined by Mr.* ERSKINE.

Q. Though you have had no correſpondence in writing with Lord George Gordon, yet you are well acquainted with his writing?
A. Yes, but I never had any buſineſs with him.
Q. How long have you been acquainted with Lord George Gordon?
A. From his birth.
Q. Did you ſee Lord George Gordon at any time, and how long before this meeting that took place in St. George's-fields?
A. I ſaw him the night before the meeting in May.
Q. Do you recollect whether Lord George Gordon, that night in May, ſaid any thing to you upon the ſubject of this buſineſs?
Mr. Attorney General. What Lord George Gordon ſaid may be evidence againſt himſelf but cannot be evidence for him.
Court. Unleſs it is connected with the time that they have ſpoke of at Coachmaker's-hall, or St. George's-fields.
Mr. Erſkine. It is connected with that particular time.—I ſubmit to your Lordſhip, that I have a right to put this queſtion, whether or no he ſaw Lord George Gordon the night before the 29th of May, and whether Lord George Gordon ſaid any thing to him upon the ſubject of that meeting.
Court. The diſtinction is this. If you call him to the meeting upon the 29th they having given evidence of what he ſaid at that meeting, you may ſhew the whole connexion of what he ſaid there beſides, but you cannot go into evidence relating to the the day before.
Mr. Kenyon. The meeting which was held in St. George's-fields on the 2d of June, either was or was not legally aſſembled; the motives for which they aſſembled, if Lord George

George Gordon was the aſſembler of it, will go a great way to ſhew whether they were legally aſſembled or not. If aſſembled for purpoſes hoſtile to the laws, it was illegal; but if Lord George Gordon conceived it conſtitutional to go up with it, with a conſiderable number of perſons, and if he had aſſigned the reaſon why he was ſo to go up, that it was to remove the imputation that he was carrying up a petition with forged names to it, I ſubmit to your lordſhip, that whatever the motives were, it conſtitutes either criminality or guilt, or abſolves him from the guilt with which he is charged; therefore I humbly conceive, that if Lord George Gordon, can demonſtrate to the ſatisfaction of your lordſhip and the jury, what the motives were which induced him to take the people there, it will go a great way, not only in extenuation of his offence, but will totally to extirpate the crime.

Court. There cannot be a doubt of it—his motive cannot be proved by his own private declaration.

Mr. Erſkine. Your lordſhip was pleaſed to obſerve to me that I was going to a time antecedent to the time put; your lordſhip will remember Mr. Hay, the firſt witneſs on the part of the crown, has ſpoken to the expreſſions of Lord George Gordon, as early as the February before; and theſe are declarations ſubſequent to that, and it ſeems an extraordinary thing that a man ſhould be called up to condemn Lord George Gordon for words he has ſpoken, and that another man, who has heard him ſpeak words ſubſequent to that period, ſhall not be permitted to explain that. Your lordſhip ſaid it was a time antecedent—I conceive it was not antecedent, becauſe evidence has been given of expreſſions of his lordſhip's antecedent to that. I am now ſpeaking of the 29th of May, and Hay ſpeaks of December, January, and February.

Court. Not of any particular expreſſions he made uſe of previous to the 29th of May.—It makes no difference whether it is precedent or ſubſequent, he cannot give evidence of his motives by his own private declarations.

(Mr. Metcalf gave into court extracts from the journals of the Houſe of Commons, of the progreſs through the Houſe of the act of parliament to repeal part of the act of the 11th and 12th of Willliam III.)

Mr. Attorney General. Call General Skene.

Mr. Kenyon. My Lord, I underſtand the witneſs now called, is to be examined to prove there were riots in Scotland; I object to the receiving ſuch teſtimony.

Mr. Attorney General. The example Lord George Gordon held out to them is the very riot in Scotland.

Mr. Kenyon. If the legiſlature found this was contrary to the ſenſe of the people in Scotland, they did wiſely perhaps in complying with the wiſhes of the people. It is the duty of governors, in general, to comply with the ſenſe of the governed. Any riot that may have happened in Scotland, I ſubmit to your lordſhip, cannot be proved; it would be an eternal diſgrace upon government if it ſhould be proved that the Legiſlature gave way to riots in Scotland. Your lordſhip will recollect the language of the witneſſes: Lord George Gordon exhorted the people to be temperate and firm; that the people in Scotland had by ſuch means prevailed upon the legiſlature not to extend the laws to that country.

Mr. Erſkine. I ſubmit to your lordſhip, all the witneſſes that have ſpoken upon what Lord George Gordon ſaid with reſpect to this buſineſs in Scotland, have ſaid he deſired them to be firm and temperate for by that means the brethren in Scotland had redreſs from parliament, but it cannot be mentioned in this court, without an eternal diſgrace to the legiſlature, that that redreſs was given to them becauſe of thoſe riots, which are ſuppoſed to have exiſted in Scotland, which riots have not been proved to exiſt, and which ought not to be proved to exiſt, becauſe they have no relation to the preſent enquiry, unleſs the gentlemen on the other ſide can ſhew that Lord George Gordon had deſired the people here to burn houſes as the mob did in Scotland; therefore I conceive it is impoſſible to be brought home as evidence in this cauſe.

Court. The counſel for the crown do not mean to impute the demolition of the maſs-houſes in Scotland to Lord George Gordon. I underſtand the evidence offered is with a view to ſhew, that the ſpeech which is attributed to Lord George Gordon related to a fact which had exiſtence; for ſome of the witneſſes have told us that Lord George Gordon ſaid the Scotch had no redreſs till they pulled down the maſs-houſes.

Mr. Erſkine. Who pulled down the maſs-houſes? will it be ſhewn that the Proteſtant Aſſociation pulled down theſe maſs-houſes. Lord George Gordon addreſſing himſelf to the Proteſtant Aſſociation in England, mentioned the firmneſs and unanimity of his brethren of the Proteſtant Aſſociation in Scotland. Will any witneſs attempt to prove that the Proteſtant Aſſociation in Scotland were ever guilty of ſuch riots.

Mr. Solicitor

Mr. Solicitor General. The queſtion is, whether we are to give evidence of the deſtruction of theſe maſs-houſes, of which Lord George Gordon has ſpoken in expreſs terms? The queſtion now is not, as to the operation and force of that evidence. The priſoner's language is, that in Scotland ſome maſs-houſes were deſtroyed; that muſt have a meaning. The ſingle queſtion is, whether we are not at liberty to prove that the maſs-houſes in Scotland were deſtroyed?

Court. They have given in evidence, by two or three witneſſes, that when thoſe people were aſſembled together the example of the Scotch had been held forth, and it is delivered in different expreſſions; one ſays he told them, "the "Scotch by their firmneſs and ſteadineſs had carried their point, and he had no doubt "but when his Majeſty heard his ſubjects were flocking from miles around he would "ſend to his miniſters to repeal the act;" in another place, he ſays, "the Scotch car-"ried their point by their firmneſs," and more particularly the evidence of Mr. Bowen is expreſsly this, "there was an attempt to introduce a bill for Scotland—that the Scotch "had no redreſs till they pulled down the maſs-houſes," and there are two or three other alluſions, to underſtand which it is abſolutely neceſſary to know what the fact was; it is not imputed to any particular perſon, but the fact is, that the Scotch pulled down the maſs-houſes, and there has not any bill been brought into parliament including them in it.

GENERAL SKENE *ſworn. Examined by Mr.* ATTORNEY-GENERAL.

Q. Were you at Edinburgh in 1779?
A. I was.
Q. Was there any inſurrection or diſturbance in that city then?
A. There was; there was a mob there.
Q. What did the mob do?
A. They pulled down a houſe belonging to a perſon called Biſhop Hay.
Q. Was it a Roman Catholick's?
A. Yes; and they burnt what they called the chapel.
Q. Did they do any more?
A. Not that I know of.
Q. Do you know what was the cry, or how they were appeaſed?
A. They wanted to pull down Popery.
Q. Do you know how they were appeaſed?
A. I cannot ſay; I ordered troops from all quarters to march into town, which I believe was the cauſe of their being appeaſed.

GENERAL SKENE *croſs-examined by Mr.* KENYON.

Q. You did not ſee this houſe or the chapel burnt down, did you?
A. No, I did not ſee that houſe or chapel burnt.

HUGH SCOTT, *Eſq. ſworn. Examined by Mr.* LEE.

Q. Did you happen to be in Edinburgh in 1779?
A. I was.
Q. Were there any riots or diſturbances there, upon any account?
A. There were.
Q. When?
A. In the beginning of the year 1779, I believe, but I do not remember the exact date.
Q. What did the people do that aſſembled together there?
A. I cannot ſay I ſaw them proceed to do any violence, or commit any outrages, but according to common report and information.
Q. You muſt not mention any thing you don't yourſelf know; did you ſee what was done?
A. No; I ſaw no act of the mob with my own eyes.

ROBERT GRIERSON *ſworn. Examined by Mr.* HOWARTH.

Q. I underſtand you are a ſervant to the Duke of Buccleugh?
A. I am.
Q. Was you at Edinburgh in the month of February, 1779.
A. I was.

Q. Was

Q. Was there any riot or tumult in Edinburgh at the time?
A. There was.
Q. Give an account of what you ſaw the rioters do?
A. I ſaw them ſet fire to an houſe and burn it.
Q. What houſe was it?
A. A chapel.
Q. What ſort of a chapel, a Proteſtant or a Roman Catholick?
A. I don't know; I believe it was a Roman Catholick chapel.
Q. What was the cry or call of the mob?
A. I don't know; I was not nigh the mob, I was two hundred yards off.
Q. Was it a great mob?
A. There were a great many.
Q. Did they do any thing beſides burning that chapel; did they burn a houſe?
A. Not that I know off.
Q. Do you know Mr. Hay's houſe?
A. No.
Q. Was it what they call Biſhop Hay's houſe?
A. I believe he lived in that houſe.

ROBERT GRIERSON, *Croſs-examined by* Mr. KENYON.

Q. The houſe was on fire when you firſt ſaw it?
A. Yes; it was.
Q. Who ſet it on fire you don't know?
A. No.
Q. Nor do you know that it was a chapel, only ſomebody told you ſo?
A. Yes.
Mr. Attorney General. Was the mob there at the time?
A. Yes, it was.

WILLIAM M'KENZIE *ſworn. Examined by Mr.* DUNNING.

Q. Was you in Scotland in the beginning of the year 1779?
A. Yes.
Q. Was you at Edinburgh?
A. Yes.
Q. Did you ſee any miſchief done there to any Roman Catholicks?
A. Yes.
Q. What was the miſchief, and by whom was it done?
Q. They ſet the papiſt chapel on fire.
Q. Did you ſee what kind of people it was, by whom it was ſet on fire, did you ſee it ſet on fire?
A. No; I ſaw it burning.
Q. Was there any mob about it at the time?
A. Yes; there was a mob.
Q. Did you hear them ſay any thing?
A. No.
Q. Did you hear any cry among them?
A. No.
Mr. Attorney General. My Lord, I have evidence to prove the deſtruction of all the gaols about this town and the number of private houſes, that were demoliſhed, but I believe I need not trouble the Court with evidence of it, it is ſo notorious.
Court. Some of the witneſſes have ſpoke of all the gaols I believe.
Mr. Attorney General. I ſhall call no more witneſſes.

The End of the Evidence for the Crown.

*** The remainder of this Trial will be publiſhed in a few days.

THE

TRIAL

OF

GEORGE GORDON, Esquire,

COMMONLY CALLED

LORD GEORGE GORDON.

FOR

HIGH TREASON,

AT THE

BAR OF THE COURT OF KING'S BENCH,

On Monday, February 5th, 1781.

THE SECOND PART.

TAKEN IN SHORT-HAND,

BY JOSEPH GURNEY.

LONDON:

SOLD BY G. KEARSLY, No. 46, FLEET-STREET, AND M. GURNEY, No. 34, BELL-YARD, TEMPLE-BAR.

M DCC LXXXI.

PRICE TWO SHILLINGS.

FOR THE PRISONER.

Mr. KENYON.

Gentlemen of the Jury,

THE Counſel for the proſecution having ſtopped in this ſtage of the buſineſs, giving as a reaſon for not producing more witneſſes, that they are afraid of tiring out the patience of the Court and the Jury, it is the misfortune of the priſoner to make his defence at that period of the day, when the attention of the Court and the Jury muſt be, in ſome meaſure, exhauſted. There are other difficulties which he alſo labours under; for, upon this occaſion, I, who am aſſigned, by the Court, to be one of his Counſel, confeſs myſelf to be a perſon very little verſed in the Criminal Courts; I never yet ſtood as a Counſel for a perſon who had ſo great a ſtake put in hazard; and therefore, Gentlemen, in addreſſing you for him, I ſtand as a perſon in very conſiderable agitation of mind for the conſequences which may happen through my defects.

When perſons are accuſed of actions of great enormity, one is apt to look round about one to ſee what the motives were that could induce the parties ſo to act; the priſoner at the bar ſtands before you a member of one of the moſt conſiderable families in this country. At the time when this conduct is imputed to him, he was a member of the legiſlature; he ſtood in a ſituation which he was not likely to better by throwing the country into convulſions. A perſon that ſtood in the ſituation he ſtood in, could not make his proſpect better than in ſeeing the affairs of the country conducted under legal government; and if he thought any inroads had been made upon thoſe laws which the wiſdom of our anceſtors had enacted, it was his buſineſs to bring about the repeal of thoſe laws, to redreſs thoſe grievances, by proper legal means, and not by cauſing a revolt in this country. This being the caſe, and as his conduct may be imputed to good or bad motives, it ſeems reaſonable, and humanity will induce you to impute it to proper, rather than improper motives, the noble priſoner being, as I have ſaid, a man ſtanding in a ſituation who had every thing to expect ſo long as law prevailed; but nothing to expect when anarchy was ſubſtituted in the place of law.

The crime imputed to the noble priſoner is, that he being a liege ſubject of the King, had levied war againſt the King. The crime is imputed to him under an act of parliament enacted for the wiſeſt purpoſe, that crimes of this very enormous nature ſhould not depend upon looſe conſtruction; but that men, in their journey through life, might, by looking upon the ſtatute, ſee what the plan of their duty was, might ſee what the rocks were upon which they were not to run; and might ſee, in the plain words of the ſtatute, what they were to do, and what to avoid. The Attorney General has told you, very properly, that the crime which he meant to impute to him was not a crime againſt the perſon of the King, but that it was a conſtructive treaſon. Gentlemen, I have only to lament, that there is ſuch a phraſe in the law as *conſtructive* treaſon. At the time when the law was enacted, I verily believe the legiſlature had it not in their contemplation, that the words conſtructive treaſon, would find their way into the Courts at Weſtminſter; but however, ſo it ſeems, the law is; for ſo it ſeems, upon ſome certain occaſions, judges have decided.

The offence (when it comes to be more particularly deſcribed) which is imputed to the priſoner is, that he had levied war by collecting together a numerous aſſembly to effect, by violence, an alteration of a law, and procure a redreſs of grievances; and in order that Mr. Attorney General might get your inclinations to run before the evidence he gave, and that he might be in poſſeſſion of that which ought never to be rouſed upon theſe occaſions, namely, the paſſions of thoſe who are to try the cauſe; he, in terms of great aggravation, compared with the evidence that has been given, ſtated to you, that the whole city might have been burnt; that there was great reaſon to believe this had been concerted by our foreign enemies; that they mixed in this buſineſs; and that, therefore, the Bank was to be attacked, the public credit ſapped, and every thing thrown into confuſion, and we to be delivered up, bound neck and heels, an eaſy prey to our enemies abroad. I dare ſay, he did not mean to do what was improper; but, ſurely,

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it was moſt improper. In buſineſſes of this kind it is not the duty of an advocate, in ſtating his caſe to a jury, to enhance the crime beyond the degree of guilt it will fairly bear when the evidence is produced before you: and if any thing has been ſaid beyond the fair import of the evidence, it has not been well ſaid, by the counſel who conducts the proſecution for the Crown.

Gentlemen, the other part of his ſpeech was confined in ſtating to you the evidence which he meant to give: but, Gentlemen, in ſtating that evidence, I wiſh he had not uſed ſome of the phraſes which he did uſe. I wiſh, when he ſpoke of the multitude collected together, he had not called them an army; I wiſh, when he ſpoke of them in other parts of his ſpeech, he had not compared them to armies, talked of their being led in triumph, and ſuppoſed they had gone arrayed in military form, to bring about this redreſs of grievances, which he ſuppoſed was, and which was perhaps to a certain extent, the intent of their meeting.

Several witneſſes have been called; you have obſerved the manner in which they have given their evidence, and attended to the effect of it. The firſt was William Hay; he has ſtated to you the ſeveral meetings at which Lord George Gordon was: and when he came to correct himſelf, upon the croſs-examination, it appeared he had over-ſtated it; for he was forced at laſt to admit that Lord George never had, to his knowledge, been in Greenwood's Room. How he came to have been in a ſituation to give evidence, is not diſcloſed to you. He appears to have been at all the meetings, at more than Lord George Gordon was at;—that he was in the Lobby of the Houſe of Commons; in the Chapel at Duke-ſtreet; at the burning of the Fleet; at the Chapel in Moorfields; and that he was in Great Queen-ſtreet. What the motives were, which led him there, I do not know. But this I know; it has aſcertained one fact, and a pretty important fact in this caſe; that at every and all of theſe places there were perſons who had nothing to do with Lord George Gordon; they were officious perſons who crouded into the buſineſs; encreaſed, if they did not make the croud, which was at many of theſe places.

He tells you, that the people who got together in Saint George's Fields were *arrayed*, as he calls it, in their beſt clothes. Now, why the word *arrayed* got into his mouth, I do not know; except he had been told, that if people came there arrayed in a military manner, it conſiderably enhanced their guilt. He told you alſo, that the people marched in *columns*; you will obſerve again another military word: he was upon his croſs-examination aſked whether Lord George Gordon deſired they ſhould march in columns or diviſions; he admitted the language he uſed was diviſions: why then ſhould he vary from the converſation or directions of the priſoner he was giving evidence againſt? If it was done to give a different colour to the tranſaction, and the phraſe is ſo differenced as not to give the colour on the ſide of mercy, which a man ſpeaking in the caſe of blood ought to give, I impute it as miſbehaviour to that witneſs. He tells you, that at one of the meetings at the Crown and Rolls, (and he is the ſingle perſon who ſpeaks to it) Lord George Gordon ſaid, " that by the King's aſſenting to the Quebec bill, his Majeſty, or his Counſellors, had brought him to that paſs to which king James the ſecond was brought after his abdication." Now, could a man of ſenſe poſſibly uſe theſe words? How was he like king James the ſecond after his abdication? had his Majeſty abdicated the Government? was not he in poſſeſſion of the throne? was he not in poſſeſſion of all the force of the Country? How was it poſſible to conceive that the noble perſon at the bar then could uſe ſuch language? When witneſſes come ſingly to ſtate facts which never exiſted, it is impoſſible, perhaps, to prove that thoſe words might not paſs. But if one travels into the field of probability, and if you ſee the whole of their evidence is improbable, and they ſupported by no other witneſſes, then the great improbability on the one ſide, oppoſed to the unſupported evidence of ſuch a witneſs on the other, is ſufficient to get rid of the evidence of that witneſs. Was it not poſſible that other witneſſes might be called, ſuppoſing this witneſs ſpoke true, to confirm his teſtimony?—he does not ſtate the tranſaction he ſpeaks of, to have paſſed in a corner, where nobody was preſent, but in a room where a great multitude of witneſſes were preſent; witneſſes, who were acceſſible by the perſons employed by the Crown, and the great liſt of witneſſes which have been talked of by the Attorney General, to the amount of one hundred and ſeventy, ſhews, that thoſe who were concerned in this proſecution for the Crown have not been negligent in this buſineſs; but have got together thoſe from all quarters who they thought could ſpeak to the buſineſs.

When

When I ſtate this witneſs, heſitating and ſtammering as he did in ſome part of his evidence, and ſtanding unſupported in parts in which he might have been ſupported if his teſtimony was true, for there were parts of his evidence which were not likely to ſlip out of the memories of other people. I have a right to conclude that he is ſpeaking that which is not the truth of the caſe. Why did he make notes upon this occaſion? He ſaid he always does, yet never made memorandums but once, and that 20 years ago, in one place. Who was the perſon to whom he made a communication of this? To one perſon only, a man whoſe reſpectability I admit, but whoſe inclination muſt be known, becauſe he is ſtated to be a Roman Catholic. Gentlemen, he tells you, that he went home from St. George's Fields; that he went over Blackfryars bridge, and went to his houſe, and in that houſe at firſt, he told me, he ſtaid till he went down to the lobby in the evening:---- However, in the former part of his evidence he had mentioned a fact which paſſed in Fleet-ſtreet; it was neceſſary for him indeed to reconcile the different parts of the evidence, to bring himſelf out of the Houſe before the time he went down to the lobby, for he admitted the croud came by a long time before. You recollect, he ſaid he ſaw the flags in Fleet-ſtreet; therefore in order that he might be conſiſtent (and I did not chooſe to wrangle with him upon the occaſion, though it certainly was not exactly correſpondent with the evidence he firſt gave, for he ſaid he went over Black Fryars Bridge, and was not out of his houſe till he went down to the lobby) it ſeems he was out of his houſe, upon the leads of St. Dunſtan's church, and ſaw this vaſt cavalcade of people, to the amount of 30,000, and was able to diſtinguiſh one man ſo as to know that the man he ſaw afterwards with the flag at the Houſe of Commons, was the very man he ſaw with the flag in Fleet-ſtreet.

Here I muſt refer to the probability of the caſe; if Juries are to believe Witneſſes, merely becauſe they will ſwear to facts, Juries are become of little uſe indeed. Thoſe who are acquainted with the profeſſion ſee it, and lament when they ſee it, that there is no fact whatever, that Witneſſes may not be brought up to prove. It is for Juries, therefore, to diſcriminate, to judge between the probable and the improbable, to judge by compariſon of the teſtimony he gives, with the probability of the caſe, and to form their judgment whether that which he ſays is true. Juries become of no uſe if they are to believe it becauſe a witneſs ſwears it; they have to lay aſide their judgment, and only make uſe of the faculty of hearing and ſpeaking, and the whole is done. But that is not their province; they are to exerciſe their judgments; they are to winnow the evidence, and get rid of that which is the chaff; and are only to abide by that which informs their ſober judgment, and enables them to ſay, that here deciding upon the life of a fellow citizen we cannot miſtake; we ſee this man has probability added to his teſtimony; we ſee that he is ſupported by other witneſſes. Upon this part of the evidence, I conceive, that can never be ſaid to be the caſe.

When he is brought down to the lobby of the Houſe of Commons, you recollect he told you at firſt there was great confuſion there: yet in the midſt of that confuſion, this man is enabled to go through a long detail of what paſſed, circumſtantially, minutely, and in the words in which it is given: and yet, Gentlemen, when he has made the moſt of it, what is it his teſtimony proves? "That Lord George Gordon only exhorted them to adhere to ſo good a cauſe, that he himſelf would perſevere in it": and he ſaid, "that though he had no great expectations from the Houſe of Commons, yet that they would meet with redreſs from their mild and gracious Sovereign." Were they then not to have redreſs from the Houſe of Commons? How does this conſiſt with the hypotheſis on the other ſide? The Houſe of Commons were to be coerced to do whatever he ſhould dictate to them. But he tells them, "If the Houſe will not do it for you, you muſt apply to the King and his miniſters." Is this the language of the man who intended in the moment that the Houſe of Commons were collected together, that they ſhould by force and violence be influenced to come to a vote, ſhould do that, which, as one branch of the legiſlature, they could not atchieve?

Gentlemen, he found afterwards that it was neceſſary, if he could, to couple theſe parties with thoſe he had ſeen in St. George's Fields, and when he was aſked after the parties about the Houſe of Commons, and ſtopping up the avenues of the Houſe, how he knew they were the ſame perſons; did he know any of them? He ſaid, he only ſaw they had the ſame flags, and that one of the men he had ſeen was the man who carried the flag in Fleet-ſtreet. I have before obſerved upon that, you will recollect the ſtation he was in, when he had the view of that man in Fleet-ſtreet, and you will, if you can, believe he car-

ried his ideas of this man, one man ſelected from 30,000, and having the ideas of that man's face in his mind, he was able, when he came to the Houſe of Commons, to ſee that man, out of 100 or 200 that he had ſo happily fixed upon in Fleet-ſtreet.

This Witneſs then ſays he went to the Sardinian Ambaſſador's Chapel, and he would have you believe that the perſons doing the miſchief there were part of the company who were collected in St. George's Fields. But were they ſo? Did he know any of them?--Did he ſee any of the actors in the buſineſs? Yes; they were a banditti of boys, not any one of them having a cockade. I beg you will bear it in your minds, becauſe it was poſſible, and is probable, that men of another deſcription were thoſe that did that buſineſs. If it ſhall appear in the ſequel of the cauſe, that that was the caſe, even from the teſtimony of this witneſs—a witneſs not much inclined for the defendant; yet he may be preſſed into the ſervice of the priſoner at the bar. Gentlemen, he tells you there was one perſon who did the principal miſchief at that chapel. He does not tell you that that one man had any badges belonging to the Aſſociation he had ſeen in St. George's Fields; he did not ſay that man had a cockade; that man certainly was a man of a different deſcription from thoſe that met Lord George Gordon in St. George's Fields, or the Counſel for the Crown would have proved who he was. But the witneſs ſays there was a multitude there. What did they do? They *ſeemingly*, ſays the Witneſs, protected them. I do not know what *ſeemingly protecting* is; but this I know, that a Witneſs well inclined to a proſecution will conſtrue every light action into a *ſeeming*; when you are to decide you cannot anchor upon ſuch evidence as that; it is impoſſible to ſay that conveys any information to your mind; therefore, it ſeems to me, that the whole of what this Witneſs ſays cannot be looked upon to be important in this caſe.

Gentlemen, as I ſaid before, he might have been ſupported if the facts that he ſpeaks of were true, and who the witneſſes were that might have ſupported his teſtimony, might have been learnt by the examination of the man himſelf; for he ſtates to you, that M'Millan, by name, and another perſon, walked with him from the lobby of the Houſe of Commons through the whole detail of this buſineſs, ſeeing what he ſaw, and judging of thoſe occurrences he ſtates to you. Why is not M'Millan called? Is not M'Millan here? The Witneſs tells you he is down in the hall. Why is he not called? Is it that intelligence may be withheld from you? Is it that a witneſs, ſuſpicious in himſelf, and ſpeaking ſuſpiciouſly, ought not to be ſupported? Is it that the caſe is to ſtand or fall by that ſuſpicious teſtimony? Or is it becauſe this witneſs, if called, would have ripped up the caſe told by his principal, and therefore the learned conductor of the proſecution durſt not call him, becauſe he would have ſtated ſuch contradictions, and imputed ſuch flagrant falſities to the account given by Hay, as would not only have taken from Hay all credit, but would in the outſet of the caſe have ſtained the proſecution.

The ſecond witneſs who is called to you is William Metcalf: He ſtates to you that he was at Coachmakers-hall; and the great matter to affect the noble Priſoner, I preſume, is that he happened to be there called to the chair; that he was the Preſident of the meeting, and he ſaid "the Scotch had ſucceeded by unanimity;" the voice of the people was againſt the wiſhes of individuals, and the wiſdom of the legiſlature yeilded to the voice of the people, not to the force and violence of the people, but to the wiſhes of the people.—He deſired, therefore, that the ſame kind of arguments might prevail here. As to the wiſdom of the act of repeal, I ſhall ſay nothing: I am as great a friend to toleration as any man that ever addreſſed a Jury. All I can ſay upon that ſubject is, that good men and wiſe men poſſibly entertain different opinions. "He tells you the Scotch had ſucceeded by unanimity; he deſired, if he was to do any thing for them, that they would be unanimous upon the ſubject; and he ſaid that thoſe who had ſigned the petition neither need be afraid nor aſhamed to ſhew that they had ſigned it, and to appear at the Houſe; and that he would not preſent the petition, or begged leave to decline it, unleſs he was met by 20,000 people in St. George's Fields. He recommended that they ſhould have ſome mark of diſtinction, and that he would anſwer for any that ſhould be moleſted; that he wiſhed ſo well to the cauſe, that he would go to the gallows for it." The other honourable Gentleman called afterwards, ſaid he would either go to the gallows for it, or to death for it.

If this matter is capable of explanation, and ſhall be explained hereafter to your ſatisfaction, much as the ſtreſs was that was laid upon the words, I am ſure, in your ſober judgment, they will not weigh a feather; and having ſtated the words, it is proper I ſhould

ſhould accompany the poiſon with the antidote, if it ſhould come out, that at this very meeting at the Hall, there was a contrariety of opinion in the perſons there, whether an act of parliament was in force, or not, which act prohibited perſons, above the number of twenty, carrying any petition to the legiſlature; that a gentleman there, of the profeſſion of the law, was of opinion that that was a ſubſiſting law; and that, therefore, the parties who went up might be involved in the penalties of that law. The priſoner's language aroſe from a difference of opinion on that ſubject.---Speaking on the ſudden, I conceive that that is not a ſubſiſting law. Perſons who read that ſtatute, and the bill of Rights upon the Revolution, will, perhaps, find, that one of the articles of the Bill of Rights was levelled at that law; as we learn from the Bill of Rights, that it is the birthright of ſubjects of this country to petition the legiſlature; and if they do it in a peaceable manner, whether ſigned by twenty or two-hundred, the number makes no difference. Suppoſing I ſhould be miſtaken, yet that point ſtands very remote from this caſe, and at a diſtance from the queſtion; the degree of guilt imputed to the priſoner; for, by that act, a miſdemeanor, perhaps, might be introduced, and the party might ſay, I am ſo clear upon the ſubject, I will run the riſque of committing the miſdemeanor; but does it from thence follow, that Lord George Gordon had the moſt diſtant alluſion to that which followed afterwards, and is now imputed to him as guilt of this enormous ſize, that he is guilty of high treaſon? Your imagination muſt outrun what the witneſſes have ſaid; and muſt, by conjecture and inference, in a caſe of blood, make out that kind of charge which this evidence has not fixed upon the priſoner.

Gentlemen, the next witneſs that was called, I aſk your pardon for going through the evidence; but I have much anxiety for the cauſe, and chooſe to omit nothing material. Mr. Anſtruther ſtates, that he ſaw Lord George Gordon at Coachmakers hall; he underſtood he was acting as preſident; " he deſired the parties to meet him at St. George's Field's; aſſuring them, that unleſs there were twenty-thouſand people, he would not preſent the petition;" he ſays, very honorably and candidly, that, at this diſtance of time, conſidering the variety of converſations by different parties there, that it was impoſſible for him to recollect the words of the ſpeaker; he ſays, the priſoner " recommended following the example of the Scotch, who, by perſeverance, had carried their point; and he recommended to them temperance upon the ſubject." That being ſtated to you by an attentive witneſs, a man of ſenſe, and of a conſiderable ſtation in life, I have no doubt he ſtates truly what did paſs, and ſtates all that materially did paſs; the ſame witneſs ſpeaks to what paſſed in the Houſe of Commons on the Friday following; he ſpeaks to all the converſation which Lord George Gordon held when he was leaning over the rails, and talking to the parties who were in the lobby below; and that when they aſked him whether they ſhould go away, he told them, " that they were the judges; —I'll tell you how the matter ſtands: the Houſe is going to divide upon the queſtion, whether your petition ſhall be taken into conſideration now, or upon Tueſday; there are for taking it into conſideration now, myſelf, and ſix or ſeven others; if not, your petition may be loſt; to-morrow the Houſe does not ſit, Monday is the King's birth-day, and Tueſday, poſſibly, the parliament may be prorogued." Now, Gentlemen, this he tells you was all that paſſed when Lord George Gordon addreſſed them over the rails; and here I wiſh you would recollect this evidence, bear it in your mind, and ſee how far all that is recollected by this witneſs, and all I ſhall preſently ſtate to you to be recollected by another witneſs, comports with the teſtimony of the next witneſs, the Reverend Mr. Bowen.

Mr. Bowen ſtates to you that he was in the Gallery, that he ſaw Lord George Gordon frequently go in and out of the houſe, that one of the parties aſked him whether it was neceſſary that they ſhould go or not; that he told them in the language Mr. Anſtruther mentioned; that he told them in what ſituation the buſineſs was, and left them to judge whether they would go or not. But this witneſs went further, and told you that his Lordſhip ſtated to them, " that an attempt had been made to introduce the bill into Scotland; that the Scotch had no redreſs, till they pulled down the Maſs-houſes; that Lord Weymouth ſent official aſſurances that the act ſhould not be extended to them; and why ſhould the Scotch be in a better condition than we?" Here again, upon words extremely important in this caſe, you are left to believe that this is ſo upon the teſtimony of a ſingle witneſs. Mr. Anſtruther they called to you, who was preſent when all this paſſed. Mr. Cater was called, who was alſo in the lobby, and heard what paſſed. Neither of theſe witneſſes have ſtated to you any converſation of the kind; nor out of the great multitude who were there, men of all colours

and

and deſcriptions, who might eaſily have been found, the door-keepers of the Houſe, who were in a ſituation where it was impoſſible that any thing could be ſaid in the lobby, but what they might hear, and at a time when ſilence was occaſioned by his Lordſhip's ſpeaking to them. I ſay here again, upon a very important part of the caſe, you are left to decide upon the credit of a ſingle witneſs.

The obſervation which I before made to you upon this ſort of evidence, will apply to this part of the caſe. It is enough for me to obſerve, that in the moſt important parts of this caſe, as far as you have hitherto travelled in the cauſe, the Counſel for the Crown have choſen to leave the moſt important parts of the caſe not only not ſupported by more than one witneſs, but not attempted to be ſupported by a ſecond witneſs: it is not becauſe a ſecond witneſs might not be called, if the matter was true; but it is becauſe no induſtry whatever could induce other witneſſes to come to ſwear in the ſame language. I do not wonder that parties are not extremely accurate in their recollection of what paſſed on that day: it was a day of tumult and confuſion; a day of much agitation of mind, undoubtedly; and that this gentleman at that time was frightened, that his mind was agitated, that he conceived things which perhaps never paſſed; and that conception being once got into his mind, he has not been able to eraſe the ideas from his mind ſince. I can only ſay that this is poſſible; and if you put him in a ſituation in which his mind was agitated, you put him in a ſituation where you cannot decide upon the impreſſions he received, when he is giving evidence againſt a man ſtanding in the ſituation of the priſoner, who has ſo much at ſtake.

The next witneſs was Mr. Cater; he ſtates, in the ſame manner Mr. Anſtruther does, what paſſed in the lobby of the Houſe; he tells you of the very converſation which accompanied that Mr. Bowen ſpoke to; namely, Lord George Gordon talking to them about their going or not going away; the very words which were concomitant to thoſe words about the Maſs-houſes in Scotland; and yet not one word did he recollect of that aggravating kind of language.

The three door-keepers are called — the queſtion is not put to one of them, becauſe the gentlemen knew what they would ſay: (for undoubtedly their evidence has been canvaſſed backwards and forwards before, and put upon paper, otherwiſe the duty of the officers of the Crown has not been done) yet not one of theſe witneſſes has been brought to ſtate to you, that that obnoxious converſation, which Mr. Bowen ſtates, was held by Lord George Gordon at the time.

Gentlemen, the teſtimony of ſome of the other witneſſes has introduced into the lobby, perſons who ſtate themſelves not to be connected with Lord George Gordon; as that teſtimony has introduced ſome, it is not improbable but many others, of the like deſcription, were there; it is not only probable that that was the caſe; but the teſtimony of ſubſequent witneſſes ſtate, beyond all controverſy, that was the caſe; for Mr. Rainforth, the next witneſs, whoſe name meets my eye, ſtates, that the perſon who was there, urgent for the repeal, was a man of a very different deſcription to any of thoſe who accompanied Lord George Gordon, a Colonel Miles. Will any man ſtate, that Colonel Miles was one of the Proteſtant Aſſociation? was he not, notoriouſly, a man of a different deſcription? yet he was the perſon who harangued, as Mr. Rainforth calls it, the mob, in the lobby of the Houſe of Commons; and who called out *repeal, repeal!* and who ſeems the very ſoul of that meeting ſo got together. What then does this prove? not that the perſons under Lord George Gordon's controul, but men of a very different deſcription, and under the controul of perſons of a very different deſcription, held that converſation in the lobby which has been imputed to Lord George Gordon as criminal; and yet Lord George Gordon is now, by inference, intendment, ſuſpicion and conjecture, to be made anſwerable for that guilt which is ſpecifically, by witneſſes, attributed to, and faſtened upon other men.

Gentlemen, much pains has been uſed in order to ſhew, that the members of two of the bodies of the legiſlature were interrupted in their journey down, to attend the national buſineſs, by perſons brought together, for that ill purpoſe, by Lord George Gordon. In the firſt place, no interruption of the kind is proved by any body but one witneſs; you are told that Mr. Welbore Ellis was interrupted; why was not he here? he was here; why not called to prove it true? Was it not poſſible to bring the Biſhop of Lincoln here? yet none of theſe perſons are called. A perſon is called to tell you, ſomebody told him, he had been told by another, that the Biſhop of Lincoln was obliged

obliged to go out of his chariot, and his wheels were taken off. It is not fair; I do not impute blame to the Attorney General; for his candour is equal to his abilities; when I ſay that, I ſtate him high indeed; but it is not fair, in a caſe of this kind, by telling a ſtory, and wiſhing the Jury ſhould believe it becauſe the witneſs *believed* it, but not knew it, that the Jury ſhould believe, and have it once impreſſed in their minds, at an hour when their minds are harraſſed out, and all attention aſleep; when it is difficult for the moſt attentive to diſtinguiſh what is material from what is not material; and yet it is by evidence of this kind, and this kind only, that a very important, poſſibly the moſt important feature, in this cauſe, is to be laid before you. In one inſtance only, is any thing of the kind, by legal evidence, imputed: and that was the caſe of Lord Sandwich; which was, I obſerved, *with ſome eagerneſs*, aſked after; and how is that proved? Mr. Hyde, the Juſtice of peace, ſays, that, when he came there, Lord Sandwich was hurt in his chariot; the witneſs did not tell you by whom he was hurt; but there were parties there with blue cockades; and perſons there not with the badges of thoſe in St. George's Fields; but men of totally another deſcription; men not with that mark by which you are told the Proteſtant Aſſociation were to be diſtinguiſhed, they had red and black flags; they were men of another deſcription; it is poſſible they might be, it is probable they were, a different ſet of people; it is certain they *might be*; they had not thoſe badges which diſcriminated the other.

This, I think, is the whole of the evidence which has been laid before you on the behalf of the Crown; and if, upon this evidence alone, you were to retire to conſider of your verdict, diſpenſing juſtice with mercy, going upon ſober, ſolid, and ſure ground, giving your verdict, in a manner, for which your minds will never upbraid you, where you could never aſk yourſelves whether you had gone upon conjecture or certainty, I conceive you would think it much, too much, upon evidence of ſuch kind, to impute to a perſon who ſtood prior to this time, in a ſituation that little called for ſuſpicion upon him, who ſtood in a ſituation having every thing to expect from good government, nothing to get by things being thrown into confuſion, anarchy and rebellion. Upon ſuch evidence, I ſhould think you would conceive it too much to draw concluſions againſt him which muſt lead to the infliction of the laſt puniſhment, which muſt be the caſe if high treaſon is imputed to him.

I cannot forbear relying much upon that which has *not been proved* by the other ſide. Does it appear, after the many proſecutions that were commenced, that one ſingle individual, connected with Lord George, or belonging to that aſſociation which he was preſident of, have ever been found obnoxious to the laws of the country? Has criminal guilt been faſtened on any one of them? Has one of them been indicted? Has one of them been put in hazard? Has a crime been imputed to them, legally, in a Court of Juſtice? Gentlemen, it has not; active and anxious as the officers of the Crown have been; and it became them well, as far as they could, to inveſtigate enormities of the kind, that have been ſo feelingly, and I wiſh I could not ſay, in rather an aggravated manner, ſtated to you; it was their duty to drag the offender from the corner in which he lay concealed, to bare his head in the face of juſtice, and puniſh him if he is guilty; yet all that anxiety, conducted by great abilities, has not been able to impute a crime to any one man of the denomination of thoſe Lord George Gordon was the head of; if that is ſo, permit me to ſubmit to you the caſe upon which I ſtand. I admit that there were enormities committed of ſo groſs, ſo flagrant a kind, as to be a reproach to the country; that puniſhment ought, and did tread upon the heels of the offenders; that it is impoſſible for eloquence much ſuperior to mine, for imaginations much more lively than mine, to paint theſe enormities in too high colours. But it may be ſuppoſed, that when a multitude of people, not a mob of people, were got together, for good, at leaſt, not for illegal purpoſes, at leaſt not for traiterous purpoſes, for that is enough for me, not for traiterous purpoſes, if you can ſuppoſe that other people, of much worſe principles, and having much worſe deſigns to atchieve, availing themſelves of the meeting of the Aſſociation, did get together from all corners of the town, and ~~found~~ formed that banditti repreſented to be at the Sardinian Ambaſſador's Chapel, and perpetrated the conflagrations that happened. How is this to be imputed to Lord George Gordon? The Attorney General tells you, if a man turns out a wild beaſt, he is guilty of murder, if a man is killed by it. I deny it; it is not the law of the land, nor the law of humanity. If a man turns a wild beaſt into a room, where death muſt neceſſarily enſue, no doubt he is as guilty as if a man ſhot into a croud: But where a beaſt is turned out, and the probable conſequences will not be that death will enſue, then is the crime to be imputed to him; it never has been,

there is not a deciſion, not a *dictum* upon the point. I have looked into the place from which the Attorney General ſuppoſes he got his doctrine. But ſuppoſe it was ſo, for God's ſake how does that bear upon this point? Was Lord George Gordon's Aſſociation this wild beaſt? If he had a tame beaſt in his hand, and another taking occaſion from the tame beaſt being brought there, lets out a wild beaſt, will the Attorney General ſay that he that leads the tame beaſt in his hand is to be anſwerable becauſe another perſon opens a place and lets out a tyger or hyena? In the name of common humanity, and common ſenſe, I call upon the counſel for the proſecution to preſs the point. I know they will not: If they ſhould, the law would fail them, and humanity would fail them alſo. I know they will not ſtate it, becauſe it is not the law of the land.

Lord George Gordon was the Preſident of a Proteſtant Aſſociation; an act had paſſed which gave offence, right or wrong I will not ſay; perhaps my opinion may be it gave cauſeleſs ground of offence: But God forbid, that becauſe I differ with men in opinions, that therefore I am to treat them as traitors to the laws of their country. It is the happineſs of our nation that our laws are not like the laws of the Medes and Perſians; they are ſubject to reviſion, and to be diſcuſſed and decided upon ſoberly: and it is not only the province of Engliſhmen, but their duty, if they think there are laws which preſs upon legal liberty, or if there are laws which improperly tolerate men whoſe principles are hoſtile to the conſtitution, to petition for a review of ſuch laws. I do not ſay that that is the caſe of the law which gave riſe to the Aſſociation; but if they think ſo, they have a right to aſk Parliament, that the matter ſhould be reviewed; that it ſhould be ſoberly diſcuſſed, and after diſcuſſion, ſhould be decided upon; and if the wiſdom of Parliament think it ought to be repealed, they have a right to aſk for the repeal.

With theſe principles, which I never will diſavow, which no man will ſtate to you to be unconſtitutional principles, this Aſſociation met; and after ſome time, for they had an exiſtence long before Lord George Gordon was called in; but thinking well of him from his character, I preſume, being a man of blameleſs life and converſation, a man not mixing in the vices of this age, a man irreproachable in his moral and religious walk too—They thought that having ſuch a man at their head would give weight to their deliberations, and that ſuch a man, if he carried their requeſt to the foot of the throne, would be attended to as a man of moral converſation and religious life ought to be attended to.—Whether theſe were the motives that weighed with them, or not, I do not know; but ſome motives, however, did induce them to invite him to ſit at the head of that Aſſociation. He went with them, converſed with them; he told the Houſe of Commons he had been ſitting with men of ſuch deſcription; he was told that his petition would have no weight; that there were forged names to it: he was told that other petitions had been treated with neglect, and that the names he ſhould bring were forgeries. He knew the uprightneſs of his own intentions, and was conſcious of the falſity of that aſperſion; for it was a foul aſperſion indeed; and it belonged to him to take away all poſſibility of doubt on the imputation of forgery, in order that thoſe who were to judge of this Petition, might be informed whether it contained the wiſhes of ſuch a number of people; for that reaſon Lord George Gordon wiſhed the Petitioners might attend him to the Houſe of Commons: But how were they to come? Were they to have banners flying, and be arrayed for war? for the language that has been uſed to you, conveys every idea ſhort of that.

The word *array* was not ſo often thundered in your ears, and *columns* and *diviſions*, and *marching under banners*, was not a language uſed for no purpoſe. Witneſſes do not deſcribe actions which paſſed in thoſe words, which it appears were not uſed, without ſome purpoſe; and when that ſame purpoſe can only be a bad purpoſe, becauſe it diſtorts the facts beyond their ordinary force; I ſay then you muſt ſuſpect the whole of the evidence.—But I was turned a little on one ſide from what I was diſpoſed to ſay to you. How were theſe people brought together? were they brought together in military array? It has not been ſuggeſted. It is true, an Officer of the military aſſociation from the city of London told you that he met ſome of theſe people with ſticks, cutlaſſes, muſquets. But were thoſe any of the parties who were in Saint George's fields? had they any ſuch things? They were ordered to be there at ten o' clock in the morning: the reaſon that was given why they were to meet ſo early, was, it was an hour no drunken people would mix with them. That no offence might be given, it was deſired that no ſtick might be in their hands; that they would come in their beſt clothes; and, in order that they might be known from other perſons, that they would have their blue cockades;

ades; that they would be in certain diviſions, in order that thoſe who were in one part, might know their fellows, and be known by them; in order that if any ſtrangers committed any outrage and exceſs, they might be ſingled out, and delivered over to the civil power, to be puniſhed; and in order that there might be no riot and confuſion when the petition was delivered, they were ordered to go round London bridge. In the mean time the petition was delivered, they came through the city: in the courſe of that journey, when people riotouſly inclined would hardly have miſſed an opportunity to riot, you do not find the leaſt exceſs, not the leaſt violation of good behaviour imputed to them. But if you ſhall find that before they arrived there, another mob, not belonging to them, were got together; if you ſhall find that the avenues of the Houſe of Commons were got in poſſeſſion of by others; if you ſhall find that exceſſes were committed; if you ſhall find, in confirmation of the teſtimony given you by the witneſſes you have already heard, that men of another deſcription, of Colonel Miles's deſcription, were there; where then is the great imputation on Lord George Gordon?

I do not tell you that this buſineſs was not fit for the moſt ſober and ſolemn enquiry. Moſt undoubtedly, it was behoveful for government that it ſhould be enquired into: but it would be a libel upon Government to ſuppoſe that guilt ſhould be affixed to that man to whom it does not belong.—Sufficient for every man are his own offences.—If other men have been guilty of a violation of the laws of the country, theſe violations are not to be placed to the reckoning of Lord George Gordon. But exceſſes were committed, and were committed in other parts of the town; and Lord George Gordon has, ſay the Gentlemen, by his ſubſequent acts, taken to himſelf, has adopted theſe exceſſes; and I am ſorry to ſee by what medium of proof that is made out; by no ſingle act of Lord George Gordon's, but that he ſigned what is called a protection. You will be ſtruck with wonder and aſtoniſhment when you hear how that happened: Lord George Gordon, alarmed and filled with conſternation at the riots which had taken place in the town, finding that the blame was imputed to him, and wiſhing to ſhew all the alacrity which man could ſhew to get rid of the imputation if he poſſibly could, deſired that he might have acceſs to his Sovereign; it will be proved to you that he went to the Palace; the Secretary of State will be called, who will ſtate to you Lord George Gordon's application; that he came humbly to throw himſelf at the feet of the throne, profeſſing his own innocence; but ſorry from the conſequences that were ſuppoſed to reſult from acts of his: He had not acceſs to his Sovereign, I do not know that he has any reaſon to complain, but he was told that he ought, as a teſt of his loyalty, to go into the city, and ſee if he could do any thing to ſtop it.

When he went into the city, how did he go? Did he go at the head of, or mix with, the mob? inſtead of that, he went with one of thoſe who are conſervators of the peace, a magiſtrate of high authority in the city of London, Mr. Sheriff Pugh; in company with that magiſtrate, he was going to effect, as far as he could, that which he was ordered to effect as a teſt of his loyalty. A perſon came to him and told him, if a note, which he brought to him, was ſigned by him, it might have a good effect. Suppoſe he had refuſed to ſign it, I am ſure it would have bore hard upon him; it would have been ſaid, a perſon having a houſe, inhabited by a Roman Catholic, applied to him to uſe his ſuppoſed influence, that it would be doing him a good turn, and he refuſed it: He felt it his duty to attempt it; if he had refuſed it, and if that argument had been urged againſt him, I ſhould have found ſome difficulty in turning the edge of it; but when what he did on that occaſion is to bring upon his ſhoulders all the violence that was committed in the city, when by this he is to be ſuppoſed to have adopted the acts of the miſcreants who committed all the enormities you have heard of, and to acknowledge that he was connected with thoſe men, in my apprehenſion, that evidence is ſtrained much beyond its fair import. It ſeems to me, that that is the only medium of proof by which he is attempted to be affected as to what paſſed in the City, I am ſure it will not be laid much ſtreſs upon, becauſe I know it ought not; and, in a caſe of this kind, things are not to be ſtrained beyond their proper import. I know it ought not to be urged againſt him that, at ſeveral days diſtance, people with blue cockades committed violences. You, yourſelves, ſurveyed the town; you know that men, of all denominations and deſcriptions, uſed blue cockades; you know that there walked about the city banditties, different, in all reſpects, from this aſſociation, that robbed and plundered; women have been executed for theſe riots, but it is not pretended that they were of the aſſociation. It is by inference and intendment that you are to fix this guilt.

Gentlemen,

Gentlemen, I have opened to you as much as ſeems neceſſary to open, of the caſe of Lord George Gordon. I have made thoſe obſervations which occurred to me on the caſe laid before you for the Crown. Gentlemen, from your own knowledge in the diſcharge of your duty, you know that in this caſe the facts are to be made out, the guilt to be aſcertained beyond all doubt. It is not at hazard that men are to be convicted of ſuch offences: You are to ſeparate one tranſaction from the other, and to ſee how far each ſeparately goes: You are not to bundle them together, and ſee whether that bundle of nothing makes out ſomething. Juries muſt ſee that there is ground upon which they go, carrying conviction to their minds that the imputed guilt is proved. If that is not made out to your ſatisfaction, however your paſſions may be warmed by what you ſaw in thoſe calamitous days, you will, I am ſure, diveſt your minds of theſe circumſtances: You come to this trial with minds totally clear and impartial: You bring into Court no knowledge nor ſuſpicions upon the ſubject, which are to influence your judgment: You come here to attend to the evidence given, attending at the ſame time to the oaths you have taken, you are to decide upon the evidence, you are to ſay whether Lord George Gordon is guilty or not guilty.

I know that I ſpeak to men of character and ſtation in the world, and of good ſenſe; and who know that their duty is to do juſtice; and know at the ſame time that every favourable conſtruction is to be made in behalf of the Priſoner. That has always been the language of Courts, and will be the language of this Court this day.

Under theſe obſervations I ſhall call a few witneſſes; and hope you will in the reſult find that Lord George Gordon, whatever blame or fault may be imputed to him, is not guilty of High Treaſon with which he now ſtands charged.

Mr. Erskine. My Lord, I mean to reſerve my addreſs to the Jury till after the witneſſes for the priſoner have been called. There is a precedent for it in the ſtate trials; and I take it for granted, that Lord George Gordon will be indulged in every thing that any man has been ſince the Statute of King William.

Court. As far as I am concerned in it, I ſhall be very glad to hear you at any ſtage, when it is moſt deſirable to yourſelf.

Mr. Attorney General. I am ſure no objection will be made on the part of the Counſel for the proſecution.

EVIDENCE FOR THE PRISONER.

The Rev. ERASMUS MIDDLETON *ſworn*; *Examined by Mr.* ERSKINE.

Q. YOU are a clergyman of the church of England?
A. I am.
Q. And, I believe, a member of the Proteſtant Aſſociation?
A. Yes.
Q. Are you paſtor of any church?
A. I am Lecturer of St. Bennet's Gracechurch-ſtreet, and St. Helen's, Biſhopsgate-ſtreet.
Q. How long have you been a member of the Proteſtant Aſſociation?
A. From ſome time in February 1779.
Q. Did you attend the meetings held by that Aſſociation, previous to the delivery of the petition to Parliament?
A. I did.
Q. Did you attend them regularly?
A. Yes; regularly.
Q. Was you a member of the committee?
A. I was.
Q. State to the Court and the Jury, beginning at that time, all that you ſaw and heard at theſe meetings of the Proteſtant Aſſociation, previous to the delivery of this petition, when Lord George Gordon was preſent. Give an account of the conſtitution of the Aſſociation, and its object previous to the time Lord George Gordon became preſident of it.
A. The Aſſociation was formed ſome time in February 1778, in conſequence of a bill brought into the Houſe of Commons by Sir George Savile, to repeal certain penalties againſt the papiſts; a few perſons met at Coachmaker's Hall, in Foſter-lane, Cheapſide, in the ſame month of February.
Mr. Attorney-General. What is it you are reading?
A. Some notes reſpecting dates and times.
Q. When did you make them?
A. I really cannot tell.
Q. Lately?
A. No; I made them from time to time as they occurred. The Aſſociation met from time to time in order to oppoſe the growth and increaſe of popery, by publiſhing little books, and by making enquiries into the ſchools, and the increaſe of thoſe ſchools; and they agreed, that this Aſſociation ſhould be open to all proteſtants and proteſtant miniſters; that they ſhould meet quarterly, in the months of July, October, January, and April. Several public meetings were held, and ſeveral reſolutions come to of that nature, of publiſhing books. The Lord Biſhop of Litchfield and Coventry was requeſted to permit two ſermons of his Lordſhip's to be printed for that purpoſe. His Lordſhip declined that, looking upon it, that if they were taken out of the connection in which they ſtood, they would not be ſo ſerviceable as ſome others which his Lordſhip recommended to us of Archbiſhop Secker's, Tillotſon's, and others. We then printed one of Biſhop Gibſon's letters in his Paſtoral Care, and ſome other little things, and diſperſed them abroad; we likewiſe wrote an Appeal to the Public, which was publiſhed on the 5th of November, 1779. On the 12th of November, 1779, we wrote a letter ſoliciting Lord George Gordon to become our preſident; his Lordſhip condeſcendingly aceeded to our petition, and from that time became our honorable preſident. In this Aſſociation we had all along in our view, as our model, the Proteſtant Aſſociation in 1696, when the King, with both Houſes of Parliament, the Biſhops and Clergy, ſigned it, and his Majeſty King William III. propoſed it ſhould be lodged in the Records of the Tower. His Lordſhip firſt met us in the committee about three or four days after he had condeſcended to become our preſident.
Court. It cannot be material to go through the hiſtory of your meetings, but only what is relative to this petition.
A. I can only mention his Lordſhip's conduct, publick and private, throughout the buſineſs of the Aſſociation. His Lordſhip demeaned himſelf every way in the moſt loyal affectionate manner: for my own part, I muſt confeſs I watched over his Lordſhip's conduct and converſation with a degree of jealouſy, knowing that we were ourſelves all well known to one another, the committee well attached to our preſent ſovereign and conſtitution, and that we were reſolved to give nor allow any ſpeech or converſation that ſhould tend in the leaſt to reflect upon any people whatever, and particularly adminiſtration. His Lordſhip appeared always the moſt calm and diſpaſſionate of any one of us, from all

I could ever learn; and, as I ſaid before, I looked at his Lordſhip at all times with a kind of jealouſy. I never could diſcover that his Lordſhip had any other deſign or end in view, but ſimply that which we had in view, the Proteſtant intereſt, and by all legal and conſtitutional means to petition the Houſe of Commons to repeal, or to explain that Act, according to our petition. In all private converſation I have ever had with his Lordſhip, he always expreſſed the warmeſt attachment of affection and loyalty to the King, the conſtitution, and the Proteſtant intereſt; we looked upon ourſelves happy in having his Lordſhip as our preſident, not only on account of his rank, but on account of his good moral character and of his abilities.

Q. Did you at any of theſe numerous meetings of this Proteſtant Aſſociation which you attended, from the time Lord George Gordon became preſident of it, till the 29th of May; did you ever hear Lord George Gordon, in his publick ſpeeches in that Aſſociation, make uſe of any expreſſions which ſhewed any diſloyal unconſtitutional intentions in him?

A. Not in the leaſt; the very reverſe in my opinion.

Q. Did all his ſpeeches, delivered as Preſident, meet with your approbation; and did it appear to you that his views were the ſame as thoſe of the whole aſſociated body?

A. Quite ſo.

Q. Did you ever hear Lord George Gordon make uſe of any expreſſions, as if he meant to repeal this bill by force of arms?

A. Not in the leaſt, neither directly or indirectly.

Q. Or to do it by terror or intimidation?

A. No, by no means; nor any expreſſion that led at all to it.

Q. Did you ever hear Lord George Gordon make uſe of any expreſſion, which even by ambiguous conſtruction, could go to ſetting the Proteſtant Aſſociation to depart from the avowed intention of it?

A. Not but by a conſtruction that is directly contrary to the meaning of the words.

Q. Then all his language and conduct was conformable to the meaning and purpoſe of your Aſſociation?

A. Entirely ſo.

Q. Were all theſe meetings open?

A. Quite open.

Q. Have you ever had inſtances of ſtrangers coming among you for any other purpoſe?

A. We had papiſts come among us, as we ſuppoſed them to be, who made diſturbances amongſt us.

Q. Setting aſide thoſe times, were your meetings always peaceable?

A. Quite ſo.

Q. Was any expreſſion, hoſtile to government, made uſe of?

A. No; quite the reverſe. Upon a perſon's ſpeaking diſreſpectfully of the biſhops, he was called to order and was ſilenced; and at the next committee meeting a reſolution was made, that no one ſhould ſpeak diſreſpectfully in the leaſt of either one ſide or the other, any further than their names might be mentioned as giving encouragement or diſcouragement to popery.

Q. How were your charges at that Aſſociation defrayed?

A. By voluntary ſubſcriptions.

Q. You ſpeak of the bill in parliament when you ſpeak of popery, don't you?

A. Yes.

Q. You have gone in your account very diſtinctly through to the 29th of May. Now ſtate what happened upon the 29th of May, according to the beſt of your recollection. Firſt, Was you preſent at that meeting?

A. I was.

Q. There was a meeting at the Crown and Rolls before that?

A. Yes, there was.

Q. State what paſſed there.

A. We had a committee meeting a few days before Holy Thurſday.

Q. What day of the month was it?

A. I cannot be certain; it was the latter end of April.

Court. Holy Thurſday was the 4th of May.

A. There was a meeting adverti[s]ed to be held at the Crown and Rolls; but it was adverti[s]ed imperfectly, and there were but few people there. A motion was made at the Crown and Rolls, whether the body at large ſhould go up with the petition; that was over-ruled. Lord George Gordon was not there then; but at the meeting of the committee previous to that meeting at the Crown and Rolls, his Lordſhip had promiſed to be

in the chair at the Crown and Rolls, that meeting being intended to be the laſt; but, as I ſaid before, the meeting being thin on account of the advertiſement being imperfect, it was agreed to have a meeting on the 29th of May at Coachmaker's Hall; but the motion that was made at the Crown and Rolls for the body at large to go up with the petition, was over-ruled; it was not made a motion of, but got over by the gentleman in the chair, and the gentlemen round the chair; it was ſpoken to; the perſon who made the motion ſeemed ſatisfied with dropping it.

Q. It was oppoſed and withdrawn?

A. No, it was not oppoſed, but it was over-ruled, and there was nothing more of it.

Q. Then this motion was not made regularly to the Chair, ſo as to come before the body?

A. No.

Court. You know whether the members did or did not oppoſe it?

A. There was a great deal of confuſion, ſome were for it, and ſome againſt it, ſo it ended that way.

Q. And ſo there being ſome confuſion, the meeting was adjourned?

A. With ſome confuſion, whether there ſhould be another or not.

Q. What followed upon it?

A. A committee-meeting followed immediately upon it, and his Lordſhip hearing of the diſputes and confuſion that were between the gentlemen of the committee and the Aſſociation. The Aſſociation had held up their hands contrary to what they meant relative to another meeting; they miſunderſtood the motion from the chair.

Q. There was a miſunderſtanding?

A. Yes.

Q. How was that cleared up?

A. His Lordſhip met us at the next committee meeting.

Q. Where was that committee meeting held?

A. In Beaufort Buildings; his Lordſhip ſpoke to every one of the committee ſeverally, to know every ones opinion, whether there ſhould be another publick meeting or not, and then having ſpoken to every one ſeverally, he deſired us to hold up our hands, which we did, when only the ſecretary held up his againſt it; and the gentleman who was in the chair, did not hold up his hand either one way or the other. In the mean time, his Lordſhip received a petition from ſome of the moſt reſpectable of the Aſſociation, requeſting another meeting, in conſequence of their having miſunderſtood the motion from the chair in the laſt public meeting; it was then agreed there ſhould be another meeting.

Q. Was there any advertiſement that there would be another meeting?

A. There was; it was printed in the ſeveral news-papers.

Q. Do you remember whether that was it? *(Shewing the witneſs an advertiſement.)*

A. Looking at it.) It was to that purport.——" A meeting will be held on the 29th " inſtant, at Coach-maker's Hall, where I ſhall have the honor of attending you in the " chair."

Q. This advertiſement being publiſhed, and the meeting of courſe I ſuppoſe, being held in purſuance of this advertiſement, be ſo good as ſtate what happened at that public meeting; was you preſent at it?

A. I was; his Lordſhip came into a ſide room, much about the time when it was uſual to take the chair; his Lordſhip took out papers relative to the buſineſs of the meeting, and read over to us the heads of what he propoſed to lay before the Aſſociation. After a few minutes, his Lordſhip took the chair, the people being very deſirous to ſee him, and have him in the chair, informing him that it was time he opened the buſineſs.

Q. Tell the Court and Jury firſt, what paſſed at the Crown and Rolls, as to the deliberation of the committee relative to poſtponing the preſenting the petition till another year?

A. The committee were almoſt unanimous for poſtponing the preſenting of the petition till another ſeſſion of Parliament.

Q. What was the cauſe of that opinion?

A. I am not ſo clear in that, being the only one that was againſt poſtponing it; after two or three committee meetings, they were ſo convinced by his Lordſhip's arguments, of the expediency of preſenting it in the preſent ſeſſion, that they unanimouſly agreed to it in the courſe of two or three committee meetings; but in the courſe of their oppoſition, they went ſo far, as to ſend for the petition from his Lordſhip's houſe, and it was lodged in the hands of one of the gentlemen of the committee.

Q. How came the committee unanimouſly to change their opinion upon that ſubject?

Cour

Court, Was it by the priſoner's arguments that you were prevailed upon to bring it on, or to poſtpone it?

A. The arguments his Lordſhip and I uſed with them. At the committee meetings following, when his Lordſhip was not preſent, I convinced them of the propriety of preſenting it that ſeſſion.

Q. Lord George Gordon having, agreeable to the wiſhes of all the committee, except the ſecretary advertized this ſecond meeting in conſequence of a petition delivered to him from many of the reſpectable members of the body at large, did advertiſe that meeting on the 29th of May, which is mentioned now; how did Lord George Gordon conduct himſelf in the courſe of the meeting on the 29th of May?

A. His Lordſhip read over ſeveral papers, after ſhortly addreſſing the people, and expreſſing his happineſs in ſeeing them, and the like.

Q. Now you are got to the 29th again?

A. Yes.

Q. What papers?

A. I don't recollect particularly, but reſpecting the buſineſs of the Aſſociation, letters and ſuch things, his Lordſhip then begged to reſume, what he had heard had been made a motion of in a former meeting at which he was not preſent, alluding to the laſt meeting at the Crown and Rolls, and to the motion that was there made, whether the body at large ſhould go up with the Petition: Lord Gordon ſaid, "he had been informed that the Aſſociation were againſt going up with their Petition, and he begged to know from themſelves if it were ſo"? upon that immediately from all parts of the hall it was cried out, *O no my Lord, no my Lord*; he then made the motion, and it appeared in the Aſſociation to be carried unanimous; his Lordſhip then read over the reſolves, and propoſed the time and place to adjourn that meeting to, that they ſhould adjourn to St. George's Fields, as no place would contain the number that ſhould aſſemble, and he propoſed, "that they ſhould be arranged in different diviſions, that his Lordſhip might go from one to the other and learn the ſenſe and determination of the whole, reſpecting the mode of taking up the Petition," informing us, "that it had been hinted, that it was a very eaſy matter for a perſon to ſit down and write four or five hundred names to a petition, and therefore it would be neceſſary that they ſhould appear to their ſubſcriptions, and convince the world that theywere not fictitious." His Lordſhip "begged they would dreſs themſelves and appear decently and very orderly; and to diſtinguiſh them from other people, ſo that no riots might enſue, he propoſed, they ſhould have a cockade in their hats, that he thought upon ſuch an occaſion at leaſt twenty thouſand might attend, that they ſhould meet at ten in the morning." Some one objected, that by meeting ſo early they might get to drinking; in anſwer to which his Lordſhip obſerved, "the Proteſtant Aſſociation were not drunken people, and he apprehended no danger on that account." Some one obſerved, that he thought ſuch a great number of people being aſſembled might cauſe the military to be drawn out, his Lordſhip anſwered, "he did not apprehend the militairy would be drawn out, that they would be all peaceable and orderly he did not doubt, he deſired them not ſo much as to take ſticks in their hands, that he was ſo far from apprehending any, that he begged he might be the firſt that ſhould be in danger, and begged if there was any riotous perſon, that the reſt ſhould give him up, and that if he ſhould even ſtrike any of them not to return it, but to take ſuch perſon out that he might be given up to a conſtable and taken away," his Lordſhip ſaid, "if he himſelf was at all riotous he would wiſh to be given up, for he thought it was a proper ſpirit for Proteſtants," and to the beſt of my recollection he uſed that expreſſion, "if they ſmite you on the one cheek, turn the other alſo."

Q. Was you preſent during the whole time of theſe meetings?

A. I was.

Q. And have given the Court the general tenor of his Lordſhip's conduct and his words?

A. I have.

Q. Whether you remember that Lord George Gordon during the courſe of that night, made uſe of any inflammatory expreſſions, or were all his expreſſions ſuch as you have mentioned now, recommending peace, decency and order?

A. Quite ſo; much more ſo than I have expreſſed, his Lordſhip exhorted them repeatedly.

Q. That was the general tenor of his behavior, according with the diſpoſition of the aſſembly that night, quite loyal and conſtitutional?

A. Altogether ſo, as far as I am a judge of what is conſtitutional.

The

The Reverend ERASMUS MIDDLETON *Croſs examined by Mr.* ATTORNEY GENERAL.

Q. You ſaid it was determined to adjourn to St. George's Fields, to divide there into four diviſions, and then take the ſenſe of the whole how the mode of preſenting the Petition was to be?

A. Yes.

Q. How many might there be at your meeting who were exhorted to behave peaceably?

A. I cannot ſay.

Q. Two hundred?

A. I apprehend many more.

Q. Three hundred?

A. Many more.

Q. Four or five hundred?

A. I don't know how many, the rooms will hold a thouſand I ſuppoſe or more, there are large galleries, and we were told by thoſe that were without, that many more were without than within.

Q. Did it occur to you how his Lordſhip was to conſult forty thouſand men upon the ſubject of the mode of preſenting the petition; did not you expect forty thouſand?

A. I did not expect there would have been five thouſand.

Q. Becauſe I have heard the reaſon of quitting the hall was, becauſe it would not hold forty thouſand men—twenty thouſand Lord George expected?

A. Yes.

Q. Was it explained how they were to be conſulted in St. George's Fields.

A. I have explained it already.

Q. Was it by holding up hands, or in what way?

A. They were divided into ſeparate diviſions for that purpoſe.

Q. When they were conſulted, was it by holding up hands, or how?

A. I was not in the fields.

Q. Then it was not determined how the petition was to be preſented?

A. No; other gentlemen who were in the fields will ſpeak to that point.

Q. Was it underſtood as poſitively determined at Coachmaker's Hall, that it ſhould be preſented to the Houſe on the Friday, or were they only to meet to conſult about the mode of preſenting it?

A. I underſtood it was to be preſented that day, but that the mode of taking it up was to be determined in the fields.

Q. What do you mean by the mode?

A. Whether his Lordſhip was to take it up by himſelf, or whether ſome gentlemen there were to take it up, or the body at large; for theſe different ways had all been ſpoken upon.

Q. Why was not you there?

A. I had parochial duty to attend.

Q. Was that, upon your oath, the reaſon of your not attending in the fields?

A. It was.

Q. Not becauſe you diſapproved of taking it up?

A. I can't ſay that; I was one with the reſt of the committee who thought it was inexpedient.

Q. Did all the committee agree with you?

A. I cannot ſay that.

Q. You ſaid the reſt of the committee.

A. Several of them.

Q. Moſt of them?

A. I believe ſo.

Q. Unanimouſly?

A. I cannot ſay.

Q. Was you preſent at a committee on the 31ſt of May, when a reſolution was come to, "that the mode of preſenting it, accompanied by the general body, was contrary "to the ſenſe of the committee."

Mr. Kenyon. If that was reduced into writing, I object to the witneſs's giving parol teſtimony of it.

Mr. Attorney General. Then I aſk you, whether ſome of the committee did not diſapprove of preſenting it by the general body?

Mr. Kenyon. Then I muſt object to that queſtion, as it reſpects a written paper.

Court. You may aſk him whether they were unanimous.

Mr. Attorney General. Then you diſapproved of its being accompanied by the general body, did you not?

A. What I did is written down, my diſſent.

Court. Was my Lord George Gordon's motion upon the 29th of May in writing; becauſe you have been giving in evidence ſomething ſuppoſed to be in writing. Was the motion put into writing or not?

A. I really cannot ſay.

Mr. Attorney General. Was the adjournment of the Aſſociation to St. George's Fields put into writing? I fancy all their actions are in writing.

A. Several of them are.

Court. Moſt undoubtedly you cannot aſk to the contents of any thing that is in writing, without producing the writing itſelf.

Mr. Attorney General. I aſk you, whether you did not, in your opinion and judgement, diſapprove of going up with this petition, accompanied by the general body?

A. Yes.

Q. Then, when it was determined before the 2d of June to go up with the general body, you diſapproved of it?

A. I did not know before the 2d of June that it was to be; it was ſpoken of in the ſide-room a few minutes before his Lordſhip came to take the chair, that his Lordſhip intended to reſume that ſubject that had been ſpoken to in the Old Crown and Rolls at the laſt publick meeting, and to know from the Aſſociation at large, whether they thought it proper to go up with it at large; and then it was that I and ſome others thought it would be inexpedient.

Q. Whether that was not the reaſon with you for not attending it, becauſe you diſapproved of it?

A. No; I had parochial duty.

Q. Did any other of the committee attend that you know of?

A. I don't know.

Court. What was the parochial duty you had to attend?

A. Reading prayers; it was of a Friday.

Q. What was the hour of prayers?

A. At eleven o'clock. I have generally children to baptize, and frequently penſioners to bury, that are buried always immediately after church.

Q. After church in the morning ſervice?

A. Yes.

Q. Then you would have been time enough?

A. Not to have gone to the fields.

Mr. Attorney General. But you might have taken the opportunity to have gone upon ſo important an occaſion.

A. I make a conſcience of doing my duty.

Q. Did it not occur to you that a petition preſented in June could not, in the ordinary courſe of proceeding, produce a bill that ſeſſion of Parliament?

A. I knew if it had been as haſtily gone through as the bill preſented by Sir George Savile was, that it might have been eaſily done in that ſeſſion.

Q. How long was that bill going through?

A. I can only ſpeak as to report. Upon the information I have had, I believe we ſhall find it received the royal aſſent in as ſhort a time after it was preſented, as our bill would, if it had been received upon the 29th of May.

Q. You did not ſuppoſe that the ſeſſion would break up the day after the King's birth-day?

A. I did not ſuppoſe ſo.

Q. Which of the members was it who objected to the aſſembling ſo great a number in St. George's-fields with cockades, and that he thought it might endanger the calling out of the military?

A. I do not know.

The Right Honourable David Lord Viſcount STORMONT *ſworn; Examined by Mr.* KENYON.

Q. During the courſe of the riot which happened in the month of June laſt, did your Lordſhip ſee Lord George Gordon at Buckingham-houſe?

A. I

A. I did.

Q. Does your Lordſhip recollect what day he was there?

A. On Wedneſday the 7th of June, between ten and eleven in the morning, as to the hour, to the beſt of my recollection, the day I am certain of.

Q. What was the buſineſs that brought his Lordſhip there?

A. I will ſtate exactly the whole to the beſt of my recollection; I was attending his Majeſty at the Queen's houſe, with ſeveral of his Majeſty's other confidential ſervants, on Wedneſday the 7th of June in the morning, at the hour I mentioned; a page came and ſcratched at the door, I went out by order, when he ſaid, that the priſoner at the bar was at the gate of the Queen's houſe, deſiring, I think, to ſee his Majeſty; I went out with another noble Lord, and gave directions, that Lord George Gordon ſhould be brought into a room in the Colonade. I then went to him to aſk what his Lordſhip deſired or wanted; his anſwer to me was, that " he deſired to ſee the King, becauſe he " could be of eſſential" or " material ſervice," or " do great ſervice in ſurpreſſing the riots." I went with this meſſage, and delivered it exactly to the King, who I was then attending, as I have obſerved, with ſeveral of his confidential ſervants, and the anſwer I delivered to his Lordſhip was this: " *It is impoſſible for the King to ſee Lord George Gordon, until he has* " *given ſufficient proofs of his allegiance and loyalty, by employing thoſe means which he ſays* " *he has in his power, to quell the diſturbances, and reſtore peace to this capital.*"—That was all I had to ſay to his Lordſhip; his Lordſhip to that anſwered, that " if he might preſume to reply, he would ſay, that his beſt endeavours ſhould be uſed" or " employed," or to that purpoſe, that is, to the beſt of my remembrance, the whole that paſſed.

Q. Lord George Gordon wiſhes to know, whether your Lordſhip is accurate as to the words?

A. I am, I think, moſt particularly accurate to every word that I uſed, and very accurate as to the ſtrict and exact ſenſe of the words uſed by Lord George Gordon; I cannot ſpeak with the ſame accuracy, as to the words uſed by another, as I can to the words uſed by myſelf.

Q. His Lordſhip ſaid that he would uſe his beſt endeavours?

A. The anſwer I gave him, was to be conſidered as final, to that requeſt made by Lord George Gordon; then he ſaid, if he might preſume to reply, his reply was, that his beſt endeavours ſhould be uſed.

Mr. THOMAS EVANS *ſworn*; *Examined by* MR. KENYON.

Q. I believe you was in St. George's Fields on the 2d of June?

A. I was.

Q. There was a very large aſſembly of people there?

A. Yes, there was.

Q. Have you been a member of the Proteſtant Aſſociation?

A. I do not underſtand what you mean by a member, I was a petitioner.

Q. There were a great number of people there of the ſame deſcription, who were petitioners?

A. Yes.

Q. When they came there, had they any weapons or ſticks?

A. I did not go along with them, nor did I ſee any thing of the kind.

Q. When you was there, did you give any information to Lord George Gordon as to any apprehenſions?

A. I did. On the 2d of June 1780, between ten and eleven o'clock, I was coming in a coach through Bridge-ſtreet Weſtminſter, with three friends; I was going to St. George's Fields, the coach was ſtopped by a Mr. Smith, who keeps the Guildhall, Weſtminſter, whom I knew very well; Mr. Smith aſked me if we were going to the fields, I told him we were; he ſaid he had ſomething of great conſequence to communicate to Lord George Gordon, for the committee of the Proteſtant Aſſociation, being aſked what it was he told me, he had been credibly informed, that there were a number of journeymen weavers from Spittal Fields.——

Court. That is not evidence.

A. Having received this information from Mr. Smith, I told him I did not know Lord George Gordon, but I would endeavour to ſee him in the fields; upon entering the fields, I ſaw a diviſion formed, which, upon enquiry, was the Scotch diviſion, and in the center was Lord George Gordon; I, and one of my friends got out of the coach, and got to the ring with great difficulty, after making an apology to his Lordſhip for addreſſing him, I told him I had juſt been informed by Mr. Smith at Guildhall, that there

there would be a riot in Weſtminſter, provided more than thirty or forty attempted to go to the Houſe of Commons with the Petition, and I aſked his Lordſhip if he meant that the whole body was to attend him? he made a reply "by no means, by no means," I aſked his Lordſhip what was his plan, he ſaid "he intended to go to the Houſe alone, "and ſometime after he had been there, the Petition was to follow him to the Lobby of "the Houſe of Commons, and there to wait till he came out to receive it." I told his Lordſhip I was exceedingly glad of it, for by that means the enemy would be prevented from hurting the cauſe; I aſked him, whether he would give me leave to tell the people ſo? he ſaid with all his heart." I immediately went to that ſide of the ring next me and told the people, that they were to remain in the fields, my Lord George Gordon intending to go alone. I remember, my Lord called a perſon to him who ſeemed to be in a Scotch dreſs, I thought to give that information to him, I went to my friends and told them what I had done, then I ſaw the ſpot I had juſt left was all in confuſion, I drove my coach up to the obeliſk, being informed by a gentleman they were forming diviſions up at the other end of the field. When I came there, I ſaw the people to my great ſurprize, inſtead of forming diviſions, were in a marching line ſix in a row, with their faces towards the Borough, I got out of my coach, I went to them and aſked them what they were going to do, they ſaid "they were going to march through the city," I told them, they muſt not ſtir out of the fields, for I had juſt left Lord George Gordon, who had told me he intended to go alone, and informed them what Mr. Smith had told me, that I was ſure there would be a riot if more than thirty or forty people went to the Houſe; they made anſwer, "I need not be afraid of that, for they were determined to "make none." As ſoon as they had told me that, a gentleman came up and ſaid, "as you Sir, are ſo zealous in the cauſe, you had better go over Blackfriars Bridge, and "meet the Aſſociation for London, and bring them back again;" I ſaid that was a thing I could not do, I was very fatigued, and I went to the coach and drove directly home.

Q. Did you ſee them at Charing-Croſs?

A. I ſaw them no where elſe.

Mr. THOMAS EVANS *Croſs examined by Mr.* ATTORNEY GENERAL.

Q. Lord George Gordon ſaid, he was to go to the Houſe alone, and the Petition was to be brought to him to the Lobby?

A. Yes.

Q. By whom it was to be brought you did not underſtand?

A. No.

Q. Did you ſee the Petition?

A. Yes; before I ſaw Lord George Gordon, I ſaw the Petition upon a man's head in one of the rings, I believe the ring of the Scotch diviſion.

Q. Then you do not know whether the London diviſion carried it?

A. No.

Q. Lord George Gordon did not know you?

A. He did not, and I had never ſeen his Lordſhip before.

Mr. JOHN SPINNAGE *ſworn; Examined by* Mr. ERSKINE.

Q. What are you?

A. I am in no profeſſion at all.

Q. Was you at Palace Yard on the 2d of June?

A. I went in a coach with a friend or two about eleven o'clock. Mr. Smith, the keeper of the Guildhall, Weſtminſter, when we turned into Bridge-Street, came up to the coach, he aſked, if we were going to St. George's Fields, I ſaid we were; he aſked if we knew Lord George Gordon, if we did, he ſhould be glad we would ſpeak to his Lordſhip and tell him—

Court. Come to what you ſaid to Lord George Gordon.

A. I went and ſaid "I hope your Lordſhip does not mean to take any part of this body "of people over Weſtminſter Bridge," his Lordſhip ſaid, "no by no means in the world, "I mean to go to the Houſe alone." I don't recollect that I had any farther converſation with his Lordſhip.

Q. Who were in the coach with you?

A. Mr. Evans was one.

Q. In what condition were the people you ſaw in St. George's Fields?

A. I ſaw them in a very quiet peaceable ſtate.

Q. Where

Q. Were there any people in Parliament Street when you came away?
A. I don't know, we came away very ſoon.
Q. Had the people in the fields any weapons or any ſticks;
A. I ſaw none.
Q. Were they well dreſſed, decent in their apparel?
A. All that I ſaw in general, were.
Q. Far from being the rabble?
A. Quite ſo.

Mr. JOHN SPINNAGE, *Croſs-examined by Mr.* ATTORNEY GENERAL.

Q. They were in their beſt cloaths?
A. They were all very decent.
Q. You ſaw the Scotch body?
A. They might be, for what I know.

WILLIAM SMITH *ſworn*; *Examined by* Mr. KENYON.

Q. You are the keeper of Guildhall Weſtminſter?
A. Yes, I am.
Q. Do you remember Friday the 2d of June?
A. Yes.
Q. About what time did the Proteſtant Aſſociation come into the neighbourhood of Guildhall, Weſtminſter?
A. At pretty near one o'clock, I believe.
Q. Before they came there, did you at any hour, and what hour in the day ſee any other collection of people there?
A. No, only one Walter Ruſſell, who ſaid, he was the keeper of the Salutation Tavern in Newgate Street, he was one put upon the Sheriff's Jury, he came down at a quarter paſt ten, and ſaid, I am afraid here will be a very great diſturbance.
Q. Did you yourſelf ſee any of the circumſtances he obſerved to you?
A. No I knew nothing of it.

Mrs. ELIZABETH WHITTINGHAM *ſworn*; *Examined by Mr.* KENYON.

Q. You was in St. George's Fields or the 2d of June?
A. I was.
Q. You was I believe in a coach?
A I was.
Q. Do you recollect Lord George Gordon's coming to the coach?
A. Very well, he came to the coach ready to faint, and aſked leave to come in, which we immediately gave him, he was very near fainting away, he did get into the coach.
Q. Did you continue the coach there, or drive away?
A. We continued a few minutes. Some gentlemen ſurrounded the coach and we could not get off, they deſired they might attend Lord George Gordon, my Lord begged "they would not, for that he would have no help, no aſſiſtance at all, he was very well," they ſaid, "pray let us attend you to the Houſe", he ſaid, "no by no means, I ſhall be "greatly obliged to you gentlemen, if you will all go back;" for he did not chuſe to be attended by them.
Q. What did he do, did he go without the petition?
A. The coach ſet off and ſet his Lordſhip down at the Houſe of Commons.
Q. Without this multitude of people?
A. Yes, without any body with him.

Mr. ELIZABETH WHITTINGHAM, *Croſs-examined by Mr.* ATTORNEY GENERAL.

Q. Lord George Gordon was fatigued and ready to faint, and they begged to attend him?
A. Yes, when he was going to the Houſe, he deſired to be excuſed, he wanted no attendance.
Q. How many might there be of them, three or four?
A. No, thirty or forty.

ALEXANDER JOHNSTON *ſworn*; *Examined by Mr.* ERSKINE.

Q. Was you in Palace Yard on the 2d of June?
A. Yes.
Q. How early in the morning was you there?
A. I was not there till between twelve and one o'clock.
Q. Were there a great many people there at that time?
A. I came there with the Proceſſion of the Proteſtant Aſſociation.
Q. Did you find any perſons there before you?
A. A great many thouſands before us I ſuppoſe, I was in the laſt of the London Aſſociation.
Q. Did you find any others beſides the Aſſociation there before you?
A. Not at that time.
Q. Did you go along quietly and peaceably?
A. Yes.
Q. Were there any diſturbances of any kind?
A. Not the leaſt, there was nothing but good harmony and peace, the beſt of peace. I went from my own houſe to St. George's Fields about nine in the morning.
Q. Did you ſee Lord George Gordon there?
A. I did.
Q. Did you hear him ſpeak there?
A. No, I was not near enough to hear him ſpeak.
Q. Were there any diſturbances in St. George's Fields then?
A. None.
Q. Did you ſee the diſturbances in Palace Yard afterwards in that afternoon?
A. I did.
Q. Were the diſturbances committed by thoſe people that you had ſeen in St. George's Fields
A. No, I can tell the whole; I went to St. George's Fields at nine o'clock in the morning. I came from St. George's Fields to Palace Yard, I believe between twelve and one o'clock, I ſtaid there not more than ten minutes, then I went with eighteen or twenty more of my acquaintance into the Strand, after dinner we ſmoaked a pipe till between ſix and ſeven at night, then word came to the houſe we were at, that there was a diſturbance in Palace Yard, that they were ſtopping every carriage, that the carriages could neither paſs nor repaſs; the company with me ſaid, we had better go down to Palace Yard, and try to quell the mob if poſſible, I told them they were no friends to our cauſe, and we had better ſtay where we were, but they inſiſted we ſhould go, and try what we could do; through their perſuaſions I went, and when I came into Parliament-ſtreet, I ſaw a coach, there were about twenty boys and five or ſix men ſtopping the carriage, I ſaid to my friends who were with me, " you ſee how it is, I told you how it would be." There were about twenty boys, not one of them above ſixteen or eighteen years of age I ſuppoſe, and four or five men ſtopping the carriages; I then went over to the coach, I took hold of a man by the breaſt that was next the coach door, I aſked him who gave him authority to ſtop that carriage? he ſaid, " he had got authority;" I aſked him from whom? he ſaid, " it was no matter from whom, he had got authority," then I told him I had got authority to take him: I took him by the breaſt, and gave him in charge to one of the gentlemen that were along with me, and as ſoon as I did that, the reſt ran all away, and left the carriage to itſelf. I intended to give the man into cuſtody, but the gentlemen who were with me, perſuaded me to let him go, which I did, and the carriage went on.
Q. Whether the ſet of people you ſaw making that riot, were quite a different ſet of people from the Proteſtant Aſſociation?
A. They were a ſet of boys, quite a ſet of pickpockets.
Q. Did they appear like thoſe of the Proteſtant Aſſociation you had ſeen in the morning?
A. No; not in the leaſt appearance like them, no ſuch thing.

ALEXANDER JOHNSTON *Croſs-examined by* MR. ATTORNEY GENERAL.

Q. How many boys were there?
A. I ſuppoſe there might be eighteen or twenty lads, about ſixteen or eighteen years of age.

Q. Did

Q. Did you not know that the body of your Aſſociation was at the Houſe of Commons?

A. I did not know but that every one was diſperſed.

Q. So you, from mere kindneſs, came out of the Strand, to quell a riot in Parliament-ſtreet, without an idea that the Proteſtant Aſſociation was there?

A. I did, *upon honor.*

Court. Had the Proteſtant Aſſociation left the Houſe of Commons between ſeven and eight o'clock?

A. I don't know whether they had or not; I had not ſeen the Houſe of Commons, I had not ſeen the Proteſtant Aſſociation, from half an hour after twelve o'clock. I then came down to Palace Yard, they were ſtripping every carriage that was there, I went over to a carriage which an old gentleman was in, he ſaid, he was as ſerious in the cauſe as any one of us, and begged they would let him paſs; I went and took hold of the man at the coach door, and aſked him who gave him authority to ſtop the carriage, he ſaid "he had "authority to ſtop every carriage;" I held him by the breaſt, and ſeveral about him got hold of me, and held me by my hair, and I was a week after that before I could ſtraighten my neck.

ALEXANDER FRAZER *ſworn*; *Examined* by MR. KENYON.

Q. Was you in St. George's Fields on the 2d. of June?

A. I was.

Q. You was one of the Proteſtant Aſſociation?

A. I ſigned the petition.

Q. Was you on the Weſtminſter ſide before the petitioners came there from London?

A. Yes. I went that way to the fields.

Q. Were there any appearances of people being collected on the Weſtminſter ſide of the bridge, before you went to St. George's Fields?

A. A very many.

Q. Of what deſcription. Were theſe people part of the petitioners, or any others?

A. I did not believe they were. I ſaw ſeveral bodies of people, ſome times a dozen or ſo, collected together on the bridge: it was a very hot day, I went cloſe to them, and aſked them, "Do you belong to the Aſſociation?" as they had all blue cockades.

Q. Did they appear to you to be of the body of petitioners?

A. No they did not, and many of them were in liquor.

Q. This was before the petitioners arrived there?

A. This was about eleven o'clock.

Q. What time of day was it before the petitioners came to palace yard?

A. At the end of Downing Street I ſpoke with the Proteſtant Aſſociation.

Q. What time was that?

A. Between three and four o'clock. Theſe people were going along the bridge promiſououſly in the greateſt confuſion, I ſuppoſe one hundred of them were paſſing continually both from the Borough and to the Borough.

Q. When you aſked them if they were of the Aſſociation, what anſwer did they make?

A. One with a great ſtick, who ſeemed to be in liquor, held up his ſtick and ſaid, "No, d——n it, this is all our Aſſociation."

ALEXANDER FRAZER, *Croſs-examined by* MR. ATTORNEY GENERAL.

Q. Theſe people had all blue cockades in their hats?

A. Yes.

Q. And ſome of them were going into the fields, where the Aſſociation aſſembled?

A. Yes. But moſt of them were coming over the bridge towards Weſtminſter.

Q. But what became of them you don't know?

A. No. I returned about one from the fields, and as ſoon as I got to the end of Parliament Street, (before I got home) the riot was begun. Several carriages were ſtopped, and ſome of them were pulling the people out of their carriages, and were writing upon the carriages, *No Popery.*

Q. When was that?

A. At one o'clock; at the end of Downing Street, in Parliament Street; the confuſion began principally about the end of that ſtreet.

Court. Had they blue cockades?

A. They had.

SIR

SIR PHILIP JENNINGS CLERKE *ſworn*; *Examined by* MR. KENYON.

Q. Was you in St. George's-fields on Friday the 2d of June?

A. Yes; that morning I had ſome buſineſs at the Temple, I ordered my horſes down to Blackfriar's Bridge, and rode acroſs St. George's-fields to Weſtminſter.

Q. About what time was it you rode acroſs the fields?

A. I ſuppoſe about one o'clock, or between one and two; I cannot be particular to a quarter of an hour.

Q. Were the petitioners aſſembled in the fields at that time?

A. There was a vaſt number of people upon the road, and many coming back from the fields, for the great body of them had marched away to the city; but I met vaſt numbers returning to the fields, and many were going from the fields, and there were great numbers in the fields.

Q. Did you take notice of the perſons you ſaw in the fields?

A. I took very particular notice of them.

Q. What kind of claſs of people did they appear to be?

A. The better ſort of tradeſmen; they were all well-dreſſed decent ſort of people; I ſtopped in the fields and converſed with a great number of them; I aſked them what was the occaſion of their aſſembling? there was a great number of different parties, for I rode cloſe by the ſide of the foot-path. All that I converſed with told me, that their deſire was that there ſhould be a ſtop put to public preaching and publick teaching; that was the whole of what they ſaid to me; they were all exceeding quiet and orderly and very civil, and they had no particular reaſon to be ſo to me, becauſe I never put a blue cockade into my hat.

Q. You afterwards went to attend your duty in parliament?

A. No; I rode acroſs Weſtminſter Bridge; I went home, took off my boots, dreſſed me, and then came down to the Houſe of Commons. I found a vaſt number of people in going from Weſtminſter up to the other part of the town, and a great number of people when I came down to the lobby.

Q. Did you take notice of theſe people you found in the town and in the lobby?

A. I did.

Q. Were they of the ſame deſcription of people you ſaw in St. George's-fields?

A. My own opinion was, that the people who were firſt in the lobby were not the ſame who were there very late in the evening; thoſe there late in the evening were a lower kind of people, more a mob of blackguards.

Q. As you went to the Houſe of Commons did you obſerve any appearance about Charing-Croſs?

A. I met thouſands of people returning from Weſtminſter, between Weſtminſter-Hall and Charing-Croſs, both ſides of the way as full as they could crowd.

Q. Were thoſe people of the ſame deſcription with what you ſaw in St. George's-fields?

A. They ſeemed the ſame kind of people, who were returning from thence, that I had ſeen in St. George's-fields.

Q. And when you came down to Weſtminſter you ſaw a croud of people of another deſcription?

A. Yes. Thoſe I ſaw in the lobby in the afternoon, neither from their appearance nor behaviour ſeemed the ſame ſort of people I had ſeen in St. George's Fields.

Q. Did you hear the converſation which Lord George Gordon held to the people in the lobby?

A. I heard ſome of it. I accidentally went by the gallery which looks over the lobby two or three times, and did hear part of the converſation, but the ſtench from the bottom was ſo bad, no body would have choſen to have ſtaid long.

Q. What was the converſation you heard?

A. The chief I recollect was, I did hear Lord George ſay, "the member for Briſtol is now ſpeaking, he is no friend to your petition; but take notice I give you no advice, unleſs it is that you ſhould be temperate and firm."

Court. What time of night was this?

A. I think not very late in the evening; but I heard him repeat thoſe words, temperate and firm more than once upon other parts of the evening.

Sir PHILIP JENNINGS CLERKE, *Croſs-examined by Mr.* ATTORNEY GENERAL.

Q. If you recollect, this ſpeech of Mr. Burke's was pretty early?

A. It was.

Q. Becauſe,

Q. Becauſe, if you recollect, all ſpeaking in the Houſe was prevented for many hours?
A. Yes, it was after that.
Q. You know the Houſe could not divide, the lobby being full?
A. Yes, it was ſo.
Q. You heard Lord George ſay to the people, be temperate and firm, and that Mr. Burke was no friend, but he gave them no advice?
A. That was the ſubſtance.
Q. You heard him tell them to be temperate and firm?
A. Yes, in the latter part of the evening.
Q. You think this body was gradually changing. At what time in the evening did you obſerve any change?
A. I did not ſee them only upon looking over the gallery.
Q. Had they cockades as well as the others?
A. I believe they had.
Q. Did you hear what the people ſaid to my Lord George?
A. No; I heard very little of it. I told you before there was ſuch an intolerable ſtench in looking over the gallery, that I did not think it worth my while to ſtay there any longer.
Q. Did you not apply to Lord George Gordon to get him to ſpeak to the people and to ſend them away?
A. I did not; I was for diſmiſſing ourſelves. I was of opinion they might have done it with great ſecurity.
Q. What time was that?
A. At the beginning, when the Houſe would not go on, when they ſtopped the buſineſs.
Q. Did you attend the Houſe of Commons again on the Tueſday?
A. I did.
Q. Was there not a mob there on the Tueſday evening?
A. Yes, I think ſo.
Q. Do not you recollect that there was?
A. Do you mean in the lobby?
Q. No. Do not you recollect there were ſoldiers there on the Tueſday to keep them out?
A. I think the ſoldiers were not there at firſt, if I recollect right.
Q. Did you ſee Lord George Gordon on the Tueſday?
A. I think he was at the Houſe.
Q. Did you ſee him in the evening, when the Houſe broke up?
A. I think it was the Tueſday night he went home in a coach with Sir James Lowther and me.
Q. You went home in a different manner on Tueſday from what you did on the Friday; you was not drawn by ſuch animals on Friday as drew you on Tueſday?
Court. What were the animals?
Q. How were you and my Lord George received and treated by the mob on Tueſday night?
A. Would you have me tell you all that paſſed that evening, after we came out of the Houſe?
Q. I have no objection.
A. A great number of members came out together, we were walking away home, I happened when we got through the guards, to be very near Lord George Gordon; when we got through the guards, the people began to croud upon us, I ſaid, "come Lord George, you muſt be my protector." The reaſon of my ſaying that to him was, that on the Friday night, I believe, I was one who was in a very ſmall diviſion for entering into the petition, and then adjourning, for I was then of opinion, that a petition, ſigned by forty thouſand people, did merit ſome attention from the Legiſlature, and have not changed that opinion at all. I had not the honor of any perſonal acquaintance with Lord George Gordon before that time; coming out with him, I ſaid, when I found we had got into the mob, "you muſt protect me," when we had gone a little way, he rather wanted protection himſelf; for they crowded prodigiouſly upon him; when we had got oppoſite to a tavern, I believe it was the Horn, there was a chariot ſtanding there, Lord George Gordon looked up at the window, and ſaw Mr. Wiggons the owner of that chariot; he ſaid, "Wiggons, I am in "ſad diſtreſs, will you lend me your chariot?" Mr. Wiggons ſaid, "yes, with all my "heart;" Lord George Gordon ſtepped in; being exceeding glad to get out of the croud, I was very glad to get in too, I would have eſcaped, but could not, I told him I was going

to dine with a friend at Whitehall, and deſired to be ſet down there; when we had got into the carriage, they cloſed upon us in an inſtant, and began to take the horſes off, and it was impoſſible to get out of the carriage; I ſaid to Lord George Gordon, " can you " contrive any way in the world to let me out, for I have a friend waiting for me " to dinner at Whitehall?" the people got all over the chariot's braces, and hung upon them, and this continued all the way, and I was dragged quite to the further end of the city, to Alderman Bull's houſe; the carriage went as faſt as if we had a pair of very good horſes drawing us, and it ran over twenty people I ſuppoſe.

Q. Did the men draw the carriage?

A. Yes; they made one little ſtop juſt at Whitehall, I thought I ſhould have got out there, but could not; then they made another ſtop at the Manſion houſe, they ſaid, " they " muſt give three cheers to my Lord Mayor," then they came and ſaid, " Lord George, " let us hear the reſolution of the Houſe?" I began to be rather alarmed then, becauſe I thought they imagined the Houſe had reſolved in their favour, but there was ſo much noiſe and buſtle, that fortunately for us, I believe they did not hear what the reſolution was; then they drew us on to Alderman Bull's door, there was ſuch a croud there, that it was ſometime before we could get into the houſe, when we came into Mr. Bull's houſe, the mob did not diſperſe at all, Lord George Gordon was adviſed to ſend word, that he was gone away from thence by a back door, in hopes that the mob would diſperſe; we waited there an hour and an half, but to no purpoſe; then ſome of Mr. Bull's family told his Lordſhip, that it was in vain to think that they would quit the houſe while he continued in it, and therefore they adviſed him to go where he meant to go, accordingly he went down and got into the chariot; when the coaſt was quite clear, which I believe was not till half an hour after, I got into a Hackney coach and drove away.

Q. How came they to draw you to Alderman Bull's houſe?

A. I cannot ſay, I was quite an accidental paſſenger.

Q. How came it into their heads to take Lord George Gordon and you to Alderman Bull's?

A. I can't tell; becauſe Lord George, when I aſked him to drive me to Whitehall, told me " he would," and he would have done it I am convinced, if he could.

Mr. Kenyon. When they took the horſes from the carriage, what did Lord George Gordon ſay to them?

A. He ſaid, " for God's ſake go peaceably home, and go about your buſineſs;" he ſaid, whenever he could ſpeak, " whilſt you aſſemble in this tumultuous way, your pe- " tition will never be complied with, the Houſe will never conſent to do it." It was impoſſible for any man to take more pains than Lord George Gordon did, to prevail upon the people to diſperſe, and he ſaid ſo much, that I aſſure you, when they put him to read the reſolution of the Houſe of Commons, it was ſo different from the hopes he had held out to them, that I expected they would have torn us to pieces.

One of the Jury. Did theſe appear to be the ſame ſort of people you had ſeen in St. George's Fields on the Friday?

A. They were ſo thick and ſuch numbers of them, that I could hardly give any deſcription of them, and to tell you the truth, I had no great pleaſure in looking out at the windows, I kept pretty ſnug in the corner of the chariot. I beg to ſay one word more, I ſhould be very glad to ſay any thing in favour of a man whom I think an injured innocent man. There has been ſome doubt, I underſtand, in regard to where Lord George Gordon was on the Friday night when we went out of the Houſe, I have only to ſay, that Sir James Lowther carried me home, we had gone out of the houſe, but we returned upon ſeeing the ſoldiers come, becauſe one of the ſoldiers had been inſolent to Lord John Cavendiſh, his Lordſhip came into the houſe to make ſome complaint, and we returned into the houſe with him. While I was ſitting upon the bench I uſually ſit on, Lord George Gordon called out to Sir James Lowther and aſked him, if he could carry him home with him, Sir James complied with his Lordſhip's requeſt, he carried me to the top of St. James's Street, he then went home, and his carriage took Lord George Gordon to his own houſe.

Mr. Kenyon. Do you recollect Lord George Gordon ſaying any thing to the people from Mr. Bull's Window?

A. I do not recollect, when we went into the room, it was a ſort of a bow window, his Lordſhip looked out at the window and went away, then ſome of Alderman Bull's people ſaid he was gone out at the back door, in order to get the people to diſperſe.

Mr. JOHN TURNER *ſworn; Examined by Mr.* KENYON.

Q. You were in St. George's Fields on the 2d of June?

A. I

A. I was.

Q. Do you recollect any converſation that paſſed reſpecting Lord George Gordon's going to the Houſe of Commons?

A. I heard Lord George Gordon ſpeak to the people in St. George's Fields, deſiring they would keep peace and good order, he ſaid, "if any thing had weight with their "petition, it would be their quiet and peaceable behaviour, and that nothing elſe would "have weight with it," his Lordſhip ſaid, "he was informed ſince he came into the "Fields, that a number of perſons had come abroad that day, on purpoſe to riſe a riot "and a tumult" he ſaid "do not be led away by any ſuch perſons."

Mr. JOHN HUMPHREYS *ſworn; Examined by Mr.* KENYON.

Q. Was you in St. George's Fields, on the 2d of June?

A. I was.

Q. Did you hear Lord George Gordon ſpeak to the people that were aſſembled there, reſpecting what they were to do?

A. I remember a gentleman's coming from Lord George Gordon, and ſpeaking to the people deſiring them to diſperſe, and not to go up to the Houſe upon any conſideration, on account that there was an Act of Parliament which ſpecified, that only ſo many people ſhould go up with a petition, and deſired they would diſperſe."

One of the Jury. Did he deſire them not to go up to the Houſe, or to diſperſe?

A. He ſaid both, "he deſired them not to go up to the Houſe, but to diſperſe."

Court. What time of the day was this?

A. About eleven o'clock.

Q. Was you within the ring where Lord George Gordon was?

A. I was ſitting down on the inſide of the ring; thoſe inſide ſat down, the next kneeled down, and the next ſtood up.

Q. Do you know the Gentleman's name who came with that meſſage from Lord George Gordon?

A. No; it was a luſty gentleman rather bigger than myſelf.

Mr. JOHN HUMPHREYS *Croſs examined by Mr.* SOLICITOR GENERAL.

Q. After Lord George Gordon had ſent this Meſſage to you, where did he go?

A. After that was ſaid, a gentleman came and told them to go to their diviſions immediately, after that the ring was broke, and I did not get ſight of his Lordſhip afterwards.

Mr. SAMPSON HOTCHKINSON *ſworn; Examined by Mr.* KENYON.

Q. Was you in St. George's-fields on the 2d of June?

A. Yes, I was.

Q. Did you hear any converſation of Lord George Gordon's relative to going up with the petition?

A. I heard a converſation; Lord George Gordon and many others were preſent in St. George's-fields; the ſubſtance of it was, that there might be many friends and many foes to the matter in hand, and they might give cauſe for diſorder; and as it was buſineſs of importance, they ſo far ſaw it neceſſary to receive inſults, that if they were ſtruck over one cheek, they would rather offer the other than reſent it.

Q. Who ſaid that?

A. I cannot place it upon any particular perſon; but it was a common converſation both in the middle and round the ring; his Lordſhip might ſpeak it or others might ſpeak it.

Q. Did Lord George Gordon ſay any thing about who ſhould go up with the petition?

A. I have a frail memory; but I think, owing to ſome advice coming into the ring, by ſome mechanical perſons, paper-makers I believe; his Lordſhip adviſed "a certain "number to go up with it;" he ſaid, "he would wiſh to avoid all offence, and it "might be attended with contention, trouble and diſorder; therefore he wiſhed for a "ſmall number to go." Many that were inſide the ring where I was, ſaid "they were "men capable of conducting themſelves with peace and order, and they choſe to go in "perſon."

Q. Did Lord George Gordon mention the number?

A. I.

A. I cannot poſitively ſpeak of the number; I think he might mention the number of twelve, or leſs; but I will not ſpeak to that point.

Q. This number of people however did go over London Bridge?

A. Yes.

Q. How did they behave in the way?

A. Very peaceably; when many people in the ſtreet would huzza them and careſs them, they made a ſignal to drop the hand, ſignifying that they did not approve of it.

Mr. JOHN ROBINSON *ſworn*; *Examined by Mr.* ERSKINE.

Q. Was you in St. George's-fields on the 2d of June?

A. I was.

Q. At what time did you go there?

A. About the hour of twelve.

Q. Did you ſee my Lord George Gordon there?

A. I did not ſee his Lordſhip that day at all.

Q. How long did you ſtay in the fields?

A. Till they all marched away together over the bridge.

Q. Was you one of thoſe that marched?

A. Yes; I went in proceſſion to Weſtminſter.

Q. Was there any riot or tumult?

A. Not in going to Weſtminſter, the proceſſion went very quietly to Weſtminſter; I went with two or three friends to get ſome refreſhment, I ſtaid two or three hours, I had not ſtaid long before I found ſome people growing very riotous.

Q. Where was this?

A. In Palace-Yard.

Q. Were they of the Aſſociation?

A. I don't know that there was one of the Aſſociation among them: there was not one that I knew.

Q. Were they as well dreſſed as the Aſſociation were?

A. No.

Q. You did not think they were the Aſſociation?

A. I did not think them the Aſſociation, they were ſeemingly a lower claſs of people.

Q. When you went along in your proceſſion you had not all of you ſticks?

A. I had no ſtick, and my few friends who accompanied me from home, four of them had none.

Mr. JOHN ROBINSON *Croſs-examined by Mr.* ATTORNEY GENERAL.

Q. Did you march in the London diviſion?

A. Yes.

Q. I fancy you did not know one hundreth part of them?

A. I do not know that I did.

Q. By whoſe directions did you march?

A. There were ſome gentlemen that gave orders, but the gentlemen I did not know.

Q, The body were in march I fancy before you got into the field?

A. No.

Q. You did not get into the field till twelve o'clock?

A. No, not till then-abouts, after I got there they formed themſelves into a circle, and marched over the fields.

Q. Was the petition carried before your diviſion?

A. It was.

Q. Did you get into the lobby of the Houſe of Commons?

A. I did not, nor did not attempt it.

Court. When you came back again, you ſaw a great number of people that were riotous, had they blue cockades or not?

A. I cannot poſitively ſay, to the beſt of my recollection ſome had,

Sir JAMES LOWTHER *Baronet*, *ſworn*; *Examined by* Mr. KENYON.

Q. You was at the Houſe of Commons on the 2d of June?

A. I don't recollect exactly the day, I was there at the time the petition was preſented.

Q. Do you recollect ſeeing Lord George Gordon there?

A. Yes.

A. Yes. I went out of the Houſe after the guards came, and the mob was diſperſed; Sir Philip Clerke went along with me; we met the guards in the lobby; I ſpoke to Sir Philip Clerke, and deſired we might come back into the Houſe. I ſat upon the bench oppoſite the Treaſury Bench. Sir George Savile, as well as I can recollect, was upon my left, Sir Philip Clerke upon my right. Lord John Cavendiſh got up to ſpeak relative to ſome inſult he had received from a ſoldier; he ſaid it put him in mind of the times of Oliver Cromwell. In ſhort, a ſoldier had got hold of his collar, and had inſulted him. Lord George Gordon ſaid to me, "Have you a carriage?" I ſaid, "Yes, I "have." He aſked, "Are you engaged?" I ſaid "I would carry Sir Philip Clerke." He ſaid, "If you have room give me leave to go along with you." I told him I ſhould be glad of his company, but I ſaid, "Let us ſtay a little longer." Lord George Gordon was for going away before. After this I got up to go away; Sir George Savile and Sir Philip Clerke got up to come away at the ſame time. We came out of the Houſe; Sir George Savile came down to this door that opens into Weſtminſter-Hall; we went down towards Mrs. Bennett's room the other way. When I came into that room there was no perſon there but Sir John Irwin, waiting for his carriage. Colonel Luttrell came in, and as I recollect he had a blue cockade in his hat; none of us had: He took out Sir John Irwin. After that we went into my carriage; as ſoon as we got into the carriage, ſome of the people that were ſtill remaining, who were ſupoſed to be the mob, came about the carriage, and aſked, "Is the "bill to be repealed?" Lord George Gordon ſaid, "I do not know, I hope it will, "but go home, be quiet, make no riot, nor noiſe." Very little converſation paſſed in the coach. I carried Sir Philip Clerke to the top of St. James's-Street; when we got there, Sir Philip deſired to take a hackney-coach and go home. I aſked Lord George Gordon where he deſired to be ſet down? He ſaid at his own houſe. I ſaid, you ſeem tired. He ſaid, very much ſo. I believe he was rather ſleepy during the whole time he was there. I ſaid afterwards, you had better let the coach ſet me down and then it ſhall carry you home. It ſet me down at my own houſe, and afterwards went home with him.

Sir JAMES LOWTHER, *Baronet. Croſs examined by Mr.* SOLICITOR GENERAL.

Q. A ſmall number I ſuppoſe was remaining of the mob at the time you went away?
A. I can hardly ſay. I remember extremely well Lord George Gordon ſaid to the people, "For God's ſake go home and be quiet, make no riot and noiſe."
Q. Can you form any judgement what number of people there might be?
A. It was dark and the guards were come. When I was in the lobby, upon a diviſion there were but ſeven of us for hearing the petition. I met one of the juſtices, I do not know who he was, in the lobby. I was relating to the gentlemen who were there, that there was a prodigious ſmell in the lobby, the lobby was very diſagreeable. I aſked the juſtice if he had any difficulty in getting the people out? He ſaid he had no difficulty.
Mr. Attorney General. You cannot go into evidence of what he ſaid.

Mrs. YOUD *ſworn. Examined by Mr.* KENYON.

Q. I believe you was a ſervant of Lord George Gordon's in the month of June laſt?
A. Yes.
Q. And are you now?
A. Yes, I am.
Q. Do you remember his Lordſhip's coming home on the 2d of June?
A. Yes.
Q. At what time in the evening did he come home?
A. A quarter before eleven o'clock.
Q. Did he go out any more that night?
A. No, he did not.

Mrs. YOUD. *Croſs examined by Mr.* SOLICITOR GENERAL.

Q. Do you recollect whether Lord George Gordon left his houſe upon the Saturday, Sunday, and Monday, or on either of thoſe days?
A. My Lord was at home Saturday, Sunday, and Monday.

Q. You ſaw him at home thoſe days ?
A. I did.
Q. You ſaw him upon every one of them ?
A. Yes.
Q. You are ſure of it ?
A. I am ſure of it.

Court. Do you mean that his lordſhip did not go out on Saturday, Sunday, or Monday, or only that he was at home ſome part of thoſe days ?

A. He was at home ſome part of the days.

Mr. Erſkine. We are ready, if the court think it material, to go into evidence to ſhew where his lordſhip was every hour and every minute of thoſe days.

Mr. Alderman PUGH *ſworn. Examined by Mr.* KENYON.

Q. I believe you was laſt year one of the ſheriffs of the city of London ?
A. I was.
Q. Do you recollect being in the month of June with Lord George Gordon in a coach ?
A. I remember it very well. I hope you will excuſe me if I ſhould not be more particular in every tranſaction ; it never entered my thoughts that I ſhould come here ; but the ſubſtance I can remember very well.
Q. Do you recollect what day of the month it was ?
A. It was on Wedneſday the 7th, I believe, about the hour of three o'clock in the afternoon.
Q. His lordſhip being in the ſame coach with you, did any perſon come to the ſide of the coach ?
A. A young man came with half a ſheet of paper that was written upon ; he ſeemed to be in great agony ; he deſired the priſoner to ſet his name to it ; he ſaid " his houſe " or houſes were in danger of being deſtroyed, and he wiſhed his Lordſhip would ſign " the paper ;" now I am not quite clear whether his Lordſhip aſked my opinion about it or no, and whether I looked at it, but his Lordſhip did ſign it.
Q. I believe you ſigned a paper as well as Lord George Gordon ?
A. No, never.
Q. It was ſigned immediately after it was brought to his Lordſhip ?
A. I believe his Lordſhip made ſome ſtop at firſt but he ſigned it ; whether he aſked me any queſtion about it I do not remember, but his Lordſhip did ſign it, and the man ſeemed to go away happy.
Q. Are you ſure you ſigned no papers in the nature of protections ?
A. I am clear of that.

THE END OF THE EVIDENCE FOR THE PRISONER.

Mr. ERSKINE.

Mr. ERSKINE.

Gentlemen of the Jury,

Mr. KENYON having informed the court that we propoſe to call no other witneſſes, it is now my duty to addreſs myſelf to you as counſel for the noble priſoner at the bar, the whole evidence being cloſed; I uſe the word cloſed, becauſe it is certainly not finiſhed, ſince I have been obliged to leave the place in which I ſat, to diſentangle myſelf from the volumes of names which lay there under my feet, which, if it had been neceſſary for the priſoner's defence, would have confirmed all the facts that are already in evidence before you.

Gentlemen, I feel myſelf entitled to expect, both from you and from the court, the greateſt indulgence and attention; I am indeed a greater object of your compaſſion than even my noble friend whom I am defending. He reſts ſecure in conſcious innocence, and in the well placed aſſurance, that that innocence can ſuffer no ſtain in your hands: Not ſo with me; I ſtand up before you a troubled, I am afraid a *guilty* man, in having preſumed to accept of the aweful taſk, which I am now called upon to perform—a taſk, which my learned friend that ſpoke before me, who has juſtly riſen by extraordinary capacity and experience, to the higheſt rank in his profeſſion, has ſpoken of with that diſtruſt and diffidence, which becomes every Chriſtian in a cauſe of blood. If Mr. Kenyon has ſuch feelings, think what mine muſt be.——Alas! Gentlemen, who am I—a young man of little experience, unuſed to the bar of criminal courts, and ſinking under the dreadful conſciouſneſs of that inexperience. I have however this conſolation, that no ignorance or inattention on my part, can poſſibly prevent you from ſeeing, under the direction of the Judges, that the Crown has eſtabliſhed no caſe of treaſon.

Gentlemen, I did expect, that the Attorney General, in opening a great and ſolemn ſtate proſecution, would have at leaſt indulged the advocates for the priſoner with his notions on the law of High Treaſon, as applied to the caſe before you, in leſs general terms. It is very common indeed, in little civil actions, to make ſuch obſcure introductions by way of trap; but in caſes of blood, it is unuſual and unbecoming, becauſe the right of the Crown to reply, even where no evidence is called by the priſoner, gives it thereby the advantage of replying without having given ſcope for obſervations on the principles of the opening, with which the reply muſt be conſiſtent.

One obſervation has however been made on the ſubject, in the truth of which I heartily concur, viz. That the crime of which the noble perſon at your bar, ſtands accuſed, is certainly the very *higheſt* and moſt *atrocious* that a member of *civil* life can poſſibly commit, becauſe it is not, like all *other* crimes, merely an *injury* to ſociety from the breach of ſome of its reciprocal relations, but is an attempt utterly to diſſolve and deſtroy ſociety altogether.

In nothing therefore is the *wiſdom* and *juſtice* of our laws ſo ſtrongly and eminently manifeſted, as in the rigid, accurate, cautious, explicit, unequivocal definition of what ſhall conſtitute this high offence; for high treaſon conſiſting, as I have ſaid, in the breach and diſſolution of that allegiance which binds ſociety together, if it were left ambiguous, uncertain, or undefined, all the other laws eſtabliſhed for the perſonal ſociety of the ſubject, would be utterly uſeleſs; ſince this offence which, from its nature, is ſo capable of being created and judged of by rules of political expediency on the ſpur of the occaſion, would be a rod at will to bruiſe the moſt virtuous members of the community, whenever that virtue might become troubleſome or obnoxious to a bad government.

Injuries to the perſons aud properties of our neighbours, conſidered as individuals, which are the ſubjects of all other criminal proſecutions, are not only capable of greater preciſion, but the powers of the ſtate can be but rarely intereſted in ſtraining them beyond their legal interpretation; but if treaſon, where the government itſelf is directly offended, were left to the judjement of its miniſters, without any boundaries, nay without the moſt *broad*, *diſtinct*, and *inviolable* boundaries marked out by law, there could be no publick freedom; and the condition of an Engliſhman would be no better than a ſlave's at the foot of a Sultan, ſince there is little difference whether a man dies by the ſtroke of a ſabre, without the forms of a trial, or by the moſt pompous ceremonies of juſtice, if the crime could be made at pleaſure by the ſtate to fit the fact that was to be tried. Would to God, Gentlemen of the Jury, that this was an obſervation in theory alone, and that the page of our hiſtory was not blotted with ſo many melancholy diſgraceful proofs

of

of its truth! but theſe proofs, melancholy and diſgraceful as they are, have become glorious monuments of the wiſdom of our fathers, and ought to be a theme of rejoicing and emulation to us. For from the miſchiefs conſtantly ariſing to the ſtate from every extention of the law of treaſon, the ancient law of treaſon has been always reſtored and the conſtitution at different periods waſhed clean, though unhappily with the blood of oppreſſed and innocent men.

When I ſpeak of the ancient law of treaſon, I mean the venerable ſtatute of King Edward the Third, on which the indictment you are now trying, is framed; a ſtatute made, as its preamble ſets forth, for the more preciſe definiton of this crime, which had not by the common law, been ſufficiently explained; and conſiſting of different and diſtinct members, the plain unextended letter of which was thought to be a ſufficient protection to the perſon, an honour of the ſovereign, and an adequate ſecurity to the laws committed to his execution. I ſhall mention only two of the number, the others not being in the remoteſt degree applicable to the preſent accuſation.

To compaſs, or imagine the death of the King; ſuch imagination, or purpoſe of the mind, viſible only to its great author, being manifeſted by ſome open act; an inſtitution obviouſly directed, not only to the ſecurity of his natural perſon, but to the ſtability of the government; the life of the prince being ſo interwoven with the conſtitution of the ſtate, that an attempt to deſtroy the one, is juſtly held to be a rebellious conſpiracy againſt the other.

Secondly, Which is the crime charged in the indictment, *to levy war againſt him in his realm*; a term that one would think could require no explanation, or admit of any ambiguous conſtruction amongſt men who are willing to read laws according to the plain ſignification of the language in which they are written; but which has nevertheleſs been an abundant ſource of that conſtructive cavil which this ſacred and valuable act was made expreſsly to prevent. The real meaning of this branch of it, as it is bottomed in policy, reaſon and juſtice; as it is ordained in plain unambiguous words; as it is confirmed by the precedents of juſtice, and illuſtrated by the writings of the great lights of the law, in different ages of our hiſtory, I ſhall, before I have done, impreſs upon your minds as a ſafe unerring ſtandard, by which to meaſure the evidence you have heard. At preſent I ſhall only ſay, that far and wide, as judicial diciſions have in the looſe manner you have heard, ſtrained the conſtruction of levying war beyond the warrant of the ſtatute, to the diſcontent of ſome of the greateſt ornaments of the profeſſion, they hurt not me; as a citizen I may diſapprove of them, but as advocate for the noble perſon at your bar, I need not impeach their authority; becauſe none of them have ſaid more than this—" that war may be levyed againſt the king in his realm, not only by an inſurrection to change, or to deſtroy the fundamental conſtitution of the government itſelf by rebellious war, but by the ſame war to endeavour to ſuppreſs the execution of the laws it has enacted, or to violate and overbear the protection they afford, not to individuals (which is a private wrong) but to any general claſs or deſcription of the community by premeditated open acts of violence, hoſtility, and force."

Gentlemen, I repeat theſe words, and call ſolemnly on the judges to attend to what I ſay, and to contradict me if I miſtake the law,—by premeditated, open acts of violence, hoſtility, and force; nothing equivocal, nothing ambiguous, no intimidations, or overawings, which ſignify nothing preciſe or certain, becauſe what frightens one man, or ſet of men, may have no effect upon another; but that which compels and coerces: —open violence and force.—

Gentlemen, this is not only the whole text, but, I ſubmit it to the learned Judges, under whoſe correction I am happy to ſpeak, an accurate explanation of the ſtatute of treaſon, as far as it relates to the preſent ſubject, taken in its utmoſt extent of judicial conſtruction, and which you cannot but ſee not only in its letter, but in its moſt ſtrained ſignification, is confined to acts which immediately, openly, and unambiguouſly, ſtrike at the very root and being of government, and not to any other offences, however injurious to its peace.

Such were the boundaries of high treaſon marked out in the reign of Edward the Third, and as often as the vices of bad princes, aſſiſted by weak ſubmiſſive parliaments, extended ſtate offences beyond the ſtrict letter of that act, as often the virtue of better princes and wiſer parliaments brought them back again.

A long liſt of new treaſons, which had grown up in the wretched reign of Richard the Second, from which (to uſe the language of the act that repealed them) " no man knew " what to do or ſay for doubt of the pains of death," were ſwept away in the firſt year of Henry the Fourth, his ſucceſſor, and many more which had again ſprang up and accumulated in the following diſtracted arbitrary reigns, putting tumults and riots on a footing

ing with armed rebellion, were again levelled in the firſt year of Queen Mary, and the ſtatute of Edward made once more the ſtandard of treaſons. The ſecurity indeed of his preſent majeſty's illuſtrious houſe from the machinations of thoſe very papiſts, who are now ſo highly in favour, have ſince that time added to the liſt; but theſe not being applicable to the preſent caſe, the ancient ſtatute is ſtill our only guide; which is ſo plain and ſimple in its object, ſo explicit and correct in its terms, as to leave no room for intrinſick error; and the wiſdom of its authors reſolved that it ſhould ſuffer from nothing extrinſick, ſhut the door againſt all extenſion of its plain letter, declaring in the very body of the act itſelf, that nothing out of that plain letter, ſhould be brought within the pale of treaſon by inference or conſtruction, but that if any ſuch caſes happened, they ſhould be referred to the parliament.

This wiſe reſtriction has been the ſubject of much juſt eulogium by all the moſt celebrated writers on the criminal law of England. Lord Coke ſays that the parliament that made it was on that account called Benedictum or Bleſſed: and the learned and virtuous Judge Hale, a bitter enemy and oppoſer of conſtructive treaſons, ſpeaks of this ſacred inſtitution with that enthuſiaſm, which it cannot but inſpire in the breaſt of every lover of the juſt privileges of mankind.

Gentlemen, in theſe mild days, when juries are ſo free, and judges ſo independent, perhaps all theſe obſervations might have been ſpared as unneceſſary: but they can do no harm; and this hiſtory of treaſon, ſo honourable to England, cannot (even imperfectly as I have given it) be unpleaſant to Engliſhmen. At all events, it cannot be thought an inapplicable introduction to ſaying, that Lord George Gordon, who ſtands before you indicted for that crime, is not, cannot be guilty of it, unleſs he has levyed war againſt the king in his realm, contrary to the plain letter, ſpirit, and intention of the act of the twenty fifth of Edward the Third; to be extended by no *new or occaſional conſtructions*, to *be ſtrained by no fancied anologics*, to *be meaſured by no rules of political* expediency, to *be judged of by no theory*, to *be determined by the wiſdom of no individual, however wiſe, but to be expounded by the ſimple genuine letter of the law.*

Gentlemen, the only overt act charged in the indictment is the aſſembling the multitude, which we all of us remember went up with the petition of the Aſſociated Proteſtants on the 2d day of laſt June; and in addreſſing myſelf to a humane and ſenſible Jury of Engliſhmen ſitting in Judgement on the life of a fellow-citizen, more eſpecially under the direction of a court ſo filled as this is, I truſt I need not remind you, that the condition, purpoſes, and behaviour of that multitude, as originally aſſembled on that day, and the purpoſes and acts of him that aſſembled them, are the ſole objects of inveſtigation, and that all the diſmal conſequences which followed, and which naturally link themſelves with this ſubject in the firmeſt minds muſt be altogether cut off, and abſtracted from your attention *further than the evidence warrants their admiſſion.* Indeed if the evidence had been coextenſive with theſe conſequences, if it had been proved that the ſame multitude, under the direction of Lord George Gordon, had afterwards attacked the Bank, broke open the priſons, and ſet London in a conflagration, I ſhould nor now be addreſſing you---Do me the juſtice to believe, that I am neither ſo fooliſh as to imagine I could have defended him, nor ſo profligate as to wiſh it if I could. But when it has appeared not only by the evidence in the cauſe, but by the evidence of the thing itſelf, by the iſſues of life which may be called the evidence of Heaven, that theſe dreadful events were either entirely unconnected with the aſſembling of that multitude to attend the petition of the proteſtants, or at the very worſt, the unforeſeen, undeſigned, unabetted, and deeply regretted conſequences of it, I confeſs the ſeriouſneſs and ſolemnity of this trial ſink and dwindle away. Only abſtract from your minds all that misfortune, accident, and the wickedneſs of others have brought upon the ſcene; and the cauſe requires no advocate. When I ſay that it requires no advocate, I mean that it requires no argument to ſcreen it from the guilt of treaſon. For though I am perfectly convinced of the purity of my noble friend's intentions, yet I am not bound to defend its prudence, nor to ſet it up as a pattern for imitation; ſince you are not trying him for imprudence, for an indiſcreet zeal, or for want of foreſight and precaution, but for a deliberate and malicious predetermination to over-power the laws and government of this country by hoſtile rebellious force.

The indictment therefore firſt charges, that the multitude aſſembled on the 2d of June were armed and arrayed in a warlike manner, which indeed if it had omitted to charge we ſhould not have troubled you with any defence at all, becauſe no judgement could have been given on ſo defective an indictment; for the ſtatute never meant to put an unarmed aſſembly of citizens on a footing with armed rebellion, and the crime, whatever it is, muſt always appear on the face of the record to warrant the judgement of the court.

It is indeed true, that it has been held to be matter of evidence and dependent on circumſtances, what numbers or ſpecies of equipment and order, tho' not the regular equipment and order of ſoldiers, ſhall conſtitute an army ſo as to maintain the averment in the indictment of a warlike array; and likewiſe what kinds of violence tho' not pointed at the king's perſon or the exiſtence of the government ſhall be conſtrued to be war, againſt the king. But as it has never yet been maintained in argument, in any court of the kingdom or even ſpeculated upon in theory, that a multitude without either weapon offenſive or defenſive of any ſort or kind, and yet not ſuppplying the want of them by ſuch acts of violence as multitudes ſufficiently great can atchieve without them. As it has never been aſſerted by the wildeſt adventurer in conſtructive treaſon, that ſuch a multitude, armed with nothing, threatening nothing, and doing nothing was an army levying war. I am entitled to ſay that the evidence does not ſupport the firſt charge in the indictment, but that on the contrary it is manifeſtly falſe; falſe in the knowledge of the crown, which proſecutes the indictment; falſe in the knowledge of every man in London who was not bed-ridden on Friday the 2d of June, and who ſaw the peaceable demeanor of the Aſſociated Proteſtants. But you will hear no doubt from the Solicitor General, for they have ſaved all their intelligence for the reply, that fury ſupplies arms, *furor arma miniſtrat*, and the caſe of Damaree will, I ſuppoſe, be referred to; where the people aſſembled, had no banners or arms, but only clubs and bludgeons, yet the ringleader, that led them on to miſchief, was adjudged to be guilty of high treaſon for levying war. This judgment it is not my purpoſe to impeach, for I have no time for digreſſion to points that do not preſs upon me. In the caſe of Damaree, the mob, tho' not regularly armed, were provided with ſuch weapons as beſt ſuited their miſchievous deſigns: Their deſigns were open and avowed, and all the miſchief was done that could have done, if they had been in the compleateſt armour: they burnt Diſſenting Meeting-Houſes protected by law, and Damaree was taken at their head *in flagrante delicto* with a torch in his hand, not only in the very act of deſtroying one of them, but leading on his followers, *in perſon* to the *avowed* deſtruction of all the reſt. There could therefore be no doubt of *his* purpoſe and intention, nor any great doubt that the perpetration of ſuch purpoſes was from *its generality*, high treaſon, if perpetrated by ſuch a force, as diſtinguiſhes a felonious riot from a treaſonable levying of war. The principal doubt therefore, in that caſe, was whether ſuch an unarmed riotous force was war within the meaning of the ſtatute, and on that point very learned men have differed; nor ſhall I attempt to decide between them, becauſe in this one point they all agree. Gentlemen, for the bleſſing of God, attend to me here. I ſay on this point they all agree, that it is the *intention* of aſſembling them, that forms the guilt of treaſon: I ſhall give it you in the words of a high authority, the learned Foſter—whoſe private opinions will, no doubt, be preſſed upon you as doctrine and law, and which if taken together as all opinions ought, and not extracted in ſmuggled ſentences to ſerve a ſhallow trick, I am contented to conſider as authority.

That great Judge, immediately after ſupporting the caſe of Damaree, as a levying war within the ſtatute againſt the opinion of Hale, in a ſimilar caſe in the deſtruction of bawdy-houſes which happened in his time, ſays " *the true criterion therefore ſeems to be*— " quo animo—*did the parties aſſemble, with what intention did they meet?*"

On that iſſue, then, by which I am ſupported by the whole body of the criminal law of England; concerning which there are no practical precedents of the courts that claſh, nor even abſtract opinions of the cloſet that differ, I come forth with boldneſs to meet the crown, for even ſuppoſing the peaceable multitude, though not hoſtilely arrayed, though without one ſpecies of weapon among them, though aſſembled without plot or diſguiſe by a publick advertiſement, exhorting, nay commanding peace, and inviting the magiſtrates to be preſent to preſerve it, if broken; though compoſed of thouſands who are now ſtanding around you, unimpeached and unreproved, yet who are all principals in treaſon, if ſuch aſſembly was treaſon; ſuppoſing, I ſay, this multitude to be nevertheleſs an army within the ſtatute, ſtill the great queſtio n would remain behind, on which the guilt or innocence of the accuſed muſt ſingly depend, and which it is your excluſive province to determine: namely, whether they were aſſembled by my noble client for the traiterous purpoſe charged in the indictment. For war muſt not only be levyed, but it muſt be levied againſt the king in his realm, *i. e.* either directly againſt his perſon to alter the conſtitution of the government, of which he is the head, or to ſuppreſs the laws, committed to his execution, by rebellious force. You muſt find that Lord George Gordon aſſembled theſe men with that traiterous intention: you muſt find not merely a riotous illegal *petitioning*, not a tumultuous, indecent importunity to influence parliament, not the compulſion of motive from ſeeing ſo great a body of people united in ſentiment and clamourous ſupplications, BUT THE ABSOLUTE UNEQUIVOCAL COMPULSION OF FORCE from the hoſtile *acts* of numbers united in rebellious conſpiracy and arms.

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This is the iſſue you are to try: for crimes of all denominations, conſiſt wholly in the purpoſe of the human will—producing the act: *Actus non facit reum niſi mens ſit rea.* The act does not conſtitute guilt—unleſs *the mind* be guilty: this is the great text from which the whole moral and policy of penal juſtice is deduced: it ſtands at the top of the criminal page, through all the volumes of our humane and ſenſible laws; and Lord Chief Juſtice Coke, whoſe chapter on this crime is the moſt authorative and maſterly of all his valuable works, ends almoſt every ſentence with an emphatical repetition of it.

It is neceſſary that the indictment ſhould charge an open act, becauſe the purpoſe of the mind, which is the object of trial, can only be known by action; or, again, to uſe the words of Foſter, who has ably and accurately expreſſed it, " the traiterous pur-" poſe, is the treaſon, the overt act, the means made uſe of to effectuate the intentions of " the heart."—But why ſhould I borrow the language of Foſter, or of any other man, when the language of the indictment itſelf is lying before our eyes. What does it ſay? Does it directly charge the overt act as in itſelf conſtituting the crime?—No.—It charges that the priſoner " malicioufly and traiterouſly, did *compaſs, imagine, and intend to raiſe* " *and levy war and rebellion againſt the king.*" This is the malice propenſe of treaſon; and that to fulfill and bring to effect ſuch traiterous compaſſings and intentions, he did, on the day mentioned in the indictment, actually aſſemble them, and levy war and rebellion againſt the king. Thus the law which is made to correct and puniſh the wickedneſs of the heart, and not the unconſcious deeds of the body, goes up to the fountain of human agency, and arraigns the lurking miſchief of the ſoul, dragging it to light by the evidence of open acts. The hoſtile mind is the crime, and, therefore, unleſs the matters which are in evidence before you, do, beyond all doubt or poſſibility of error, convince you that the priſoner is a determined traitor in his heart, the priſoner is not guilty.

It is the ſame principle which creates all the various degrees of homicide, from that which is excuſable, to the malignant guilt of murder. The fact is the ſame in all, the death of the man is the imputed crime; but the circumſtances of intention make all the difference; and he who killed him is pronounced a murderer, a ſingle felon, or only an unfortunate man, as the circumſtances by which his mind is decyphered to the jury, ſhews it to have been cankered by deliberate wickedneſs, or ſtirred up by ſudden paſſions.

Here an immenſe multitude was beyond all doubt aſſembled on the 2d of June; but whether he that aſſembled them be guilty of high treaſon, of a high miſdemeanor, or only of a breach of the act of King Charles the Second againſt tumultuous petitioning (if ſuch an act ſtill exiſts) depends wholly upon the evidence of his purpoſe in aſſembling them, to be gathered by you, and by you alone, from the whole tenor of his conduct; and to be gathered not by inference or probability, or reaſonable preſumption, but in the words of the act, *proveably*; that is to the full unerring force of demonſtration. You are called upon your oaths to ſay, not whether Lord George Gordon aſſembled the multitudes in the place charged in the indictment, for that is not denied; but whether it appeared by the facts produced in evidence for the crown, when confronted with the proofs which we have laid before you, that he aſſembled them in hoſtile array, and with a hoſtile mind, to take the laws into his own hands by main force and to diſſolve the conſtitution of the government, unleſs his petition ſhould be liſtened to by parliament.

Gentlemen, this is your excluſive province to determine; the court can only tell you what acts the law in its general theory holds to be high treaſon, on the general aſſumption, that ſuch acts proceed from traiterous purpoſes: but they muſt leave it to your deciſion, and to your deciſion alone, whether the acts proved now, appear in the preſent inſtance, under all the circumſtances, to have ariſen from the cauſes which form the eſſence of this high crime.

Gentlemen, you have now heard the law of treaſon; firſt in the abſtract, and ſecondly as it applies to the general features of the caſe; and you have heard it with as much ſincerity as if I had addreſſed you upon my oath from the bench where the judges ſit. I declare to you ſolemnly, in the preſence of that great Being at whoſe bar we muſt all hereafter appear, that I have uſed no one act of an advocate, but have acted the plain unaffected part of a chriſtian man, inſtructing the conſciences of his fellow citizens to do juſtice.

If I have deceived you on the ſubject I am myſelf deceived; and if I am deceived through ignorance, my ignorance is incurable, for I have ſpared no pains to underſtand it.

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I am not ſtiff in opinions, but before I change any one of thoſe that I have given you; I muſt ſee ſome direct monument of juſtice that contradicts them. For the law of England pays no reſpect to theories however ingenious, or to authors however wiſe; and therefore unleſs you hear me refuted by direct precedent and not by vague doctrine, if you wiſh to ſleep in peace *follow me.*

And now, gentlemen, the moſt important part of our taſk begins; namely the application of the evidence to the doctrines I have laid down. For trial is nothing more than the reference of facts to a certain rule of action, and a long recapitulation of them would only ſerve to diſtract and perplex the memory, without enlightening the judgment, unleſs the great ſtandard principle by which they are to be meaſured is fixed and rooted in the mind. When that is done, which I am confident has been done by you, every thing worthy of obſervation falls naturally into its place, and the reſult is ſafe and certain.

Gentlemen it is already in proof before you, indeed it is now a matter of hiſtory; that an act of parliament paſſed in the ſeſſion of 1778, for the repeal of certain reſtrictions which the policy of our anceſtors had impoſed upon the Roman Catholick religion, to prevent its extenſion and to render its limited toleration harmleſs; reſtrictions impoſed not becauſe our anceſtors took upon them to pronounce their faith to be offenſive to God, but becauſe it was incompatible with good faith to man, being utterly inconſiſtent with that allegiance which every ſubject owes to the government under which he lives, but from the oaths, &c. obligations of which their religion gave them not only a releaſe but a crown of glory and merit for betraying.

It was indeed with aſtoniſhment that I heard the Attorney General ſtigmatize thoſe wiſe regulations of our patriot anceſtors with the title of factious and cruel impoſitions on the conſciences and liberties of their fellow citizens.

Gentlemen, they were *at that time* wiſe and ſalutary regulations to which this country owes its freedom and his majeſty his crown; a crown which he wears under the ſtrict entail of profeſſing and protecting that religion which theſe acts were made to repreſs; and which I know my noble friend at the bar joins with me, and with all good men, in wiſhing that he and his poſterity may wear for ever.

Gentlemen, it is not my purpoſe to recall to your minds the fatal effects which this infamous bigotry has in former days produced in this iſland. I will not follow the example the crown has ſet me, by making an attack on your paſſions, on ſubjects foreign to the object before you; I will not call your attention from thoſe flames kindled by a villainous banditti, which they have thought fit in defiance of evidence to introduce, by bringing before your eyes the cruel flames, in which the bodies of our expiring meek patient chriſtian fathers were little more than a century ago conſuming in Smithfield. I will not call up from the graves of martyrs all the precious holy blood that has been ſpilt in this land to ſave its eſtabliſhed government and its reformed religion, from the ſecret villainy and the open force of papiſts; the cauſe does not ſtand in need even of ſuch honeſt arts, and I feel my heart too big voluntarily to recite ſuch ſcenes, when I reflect that ſome of my own, and my beſt and deareſt progenitors, from whom I glory to be ſprung, ended their innocent lives in priſons and in exile, *only becauſe they were proteſtants.*

Gentlemen, whether the great lights of ſcience and of commerce, which ſince theſe diſgraceful times have illuminated Europe, may by diſpelling theſe ſhocking prejudices have rendered the papiſts of this day, as ſafe and truſty ſubjects as thoſe who conform to the national religion eſtabliſhed by law, I ſhall not take upon me to determine; it is wholly unconnected with the preſent enquiry. We are not trying a queſtion either of divinity, or civil policy, and I ſhall therefore not enter at all into the motives or merits of the acts that produced the proteſtant petition to Parliament: It was certainly introduced by perſons that cannot be named by any good citizen without affection and reſpect; but this much I will ſay without fear of contradiction, that it was ſudden and unexpected; that it paſſed with uncommon precipitation conſidering the magnitude of the object, that it underwent no diſcuſſion, and that the heads of the church, the conſtitutional guardians of the national religion were never conſulted upon it; under ſuch circumſtances it is no wonder that many ſincere proteſtants were alarmed; they had a right to be alarmed, it is the privilege and *the duty* of all the ſubjects of England to watch over their religious and civil liberties, and to approach either the ſenate or the throne with their fears and their complaints—a privilege which has been bought with the deareſt blood of our anceſtors, and which is confirmed to us by law, as an ancient birth-right and inheritance.

Soon after the repeal of the act; the Proteſtant Aſſociation began, and from ſmall beginnings, extended all over England and Scotland. A deed of Aſſociation was

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ſigned by all legal means to oppoſe the growth of Popery, and which of the advocates for the crown will ſtand up, and ſay, that ſuch an union was illegal; their union was perfectly conſtitutional, there was no obligation of ſecrecy, their tranſactions were all publick; a committee was appointed for regularity and correſpondence; and circular letters were ſent to all the dignitaries of the church to join with them in the protection of the national religion.

Gentlemen, all this happened before Lord George Gordon was a member of, or the moſt diſtantly connected with it, for it was not till November, 1779, that the London Aſſociation made him an offer of their chair, by an unanimous reſolution communicated to him, unſought and unexpected, in a publick letter ſigned by the ſecretary in the name of the whole body, and from that day, to the day he was committed to the Tower, I will lead him by the hand in your view, that you may ſee there is no blame in him. Even though all his behaviour was unreſerved and public, and though watched by wicked men for purpoſes of vengeance, the crown has totally failed in giving it ſuch a context, as can juſtify, in the mind of any reaſonable man, the concluſion they wiſh to eſtabliſh.

This will fully appear hereafter; but let us firſt attend to the evidence on the part of the crown.

The firſt witneſs which it has called to ſupport this proſecution is,

WILLIAM HAY—a bankrupt in fortune he acknowledged himſelf to be, and I am afraid he is a bankrupt in conſcience; ſuch a ſcene of impudent, ridiculous inconſiſtency would have utterly deſtroyed his credibility in the moſt trifling civil ſuit; and I am therefore almoſt aſhamed to remind you of his evidence, when I reflect that you will never ſuffer it to glance acroſs your minds on this ſolemn occaſion.

This man, whom I may now without offence or ſlander point out to you as a dark Popiſh ſpy, who attended the meetings of the London Aſſociation, to pervert their harmleſs purpoſes, conſcious that the diſcovery of his character would invalidate all his teſtimony, endeavoured at firſt to conceal the activity of his zeal, by denying that he had ſeen any of the deſtructive ſcenes imputed to the Proteſtants, yet almoſt in the ſame breath it came out, that there was hardly a place, public or private, where riot had erected her ſtandard, in which he had not been; nor a houſe, priſon, or chapel, that was deſtroyed, to the demolition of which he had not been a witneſs. He was at Newgate, and the Fleet, at Langdale's, and at Coleman-ſtreet, at the Sardinian Ambaſſadors, and in Great Queen-ſtreet Lincoln's-Inn-fields. What took him to Coachmakers Hall?—He went there, as he told us, to watch their proceedings; for he expected no good from them; and to juſtify his prophecy of evil, he ſaid, on his examination by the crown, that as early as December, he had heard ſome alarming republican language. What expreſſions did he remember?—Why, that the Lord Advocate of Scotland was called only Harry Dundas. Finding this too ridiculous for ſo grave an occaſion, he endeavoured to put ſome words about the breach of the king's coronation oath into the priſoner's mouth, as proceeding from himſelf; which it is notorious he read out of an old Scotch Book, publiſhed near a century ago, on the abdication of King James the Second. Only attend to his Croſs-examination: He was ſure he had ſeen Lord George Gordon at Greenwood's Room in January; but when Mr. Kenyon, who knew he had never been there, adviſed him to recollect himſelf, he deſired to conſult his notes.

Firſt, he is poſitively ſure, from his memory, that he had ſeen him there: Then he ſays he cannot truſt his memory without referring to his papers. On looking at them, they contradict him; and he then confeſſes that he never ſaw Lord George Gordon at Greenwood's Room in January, when his note was taken, or at any other time. But why did he take notes?—He ſaid it was, becauſe he foreſaw what would happen. How fortunate the crown is, gentlemen, to have ſuch friends to collect evidence by anticipation. When did he begin to take notes?—He ſaid on the 21ſt of February, which was the firſt time he had been alarmed at what he had ſeen and heard, although not a minute before he had been reading a note taken at Greenwood's Room in January, and had ſworn that he attended their meetings from apprehenſions of conſequences as early as December.

Mr. Kenyon, who now ſaw him bewildered in a maze of falſehood, and ſuſpecting his notes to have been a villainous fabrication to give the ſhew of correctneſs to his evidence, attacked him with a ſhrewdneſs for which he was wholly unprepared; you remember the witneſs had ſaid, that he always took notes when he attended any meetings where he expected their deliberations might be attended with dangerous conſequences. Says Mr. Kenyon, "Give me one inſtance, in the "whole courſe of you life, where you ever took notes before," *Poor Mr Hay was*

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thunder-ſtruck; the ſweat ran down his face, and his countenance beſpoke deſpair, not recollection; "Sir, I muſt have an inſtance; tell me when and where:" Gentlemen, it was now too late; ſome inſtance he was obliged to give, and as it was too evident to every body, that he had one ſtill to chooſe; I think he might have choſen a better. He had taken notes at the General Aſſembly of the church of Scotland ſix-and-twenty years before. What! did he apprehend dangerous conſequences from the deliberations of the grave elders of the Kirk? Were they levying war againſt the king? At laſt, when he is called upon to ſay to whom he communicated the intelligence he had collected, the ſpy ſtood confeſſed indeed: At firſt he refuſed to tell, ſaying he was his friend, and that he was not obliged to give him up; and when forced at laſt to ſpeak, it came out to be Mr. Butler, a gentleman univerſally known, and who, from what I know of him, I may be ſure never employed him, or any other ſpy, becauſe he is a man every way reſpectable, but who certainly is not only a papiſt, but the perſon who was employed, in all their proceedings, to obtain the late indulgencies from Parliament. He called Mr. Butler his particular friend, yet profeſſed himſelf ignorant of his religion. I am ſure he could not be deſired to conceal it; Mr. Butler makes no ſecret of his religion; it is no reproach to any man to live the life he does; but Mr. Hay thought it of moment to his credit in the cauſe that he himſelf might be thought a Proteſtant, unconnected with Papiſts, and not a Popiſh ſpy. So ambitious was Mr. Hay, of being uſeful in this character, through every ſtage of the cauſe, that after ſtaying a little in St. George's-fields, he ran home to his own houſe in St. Dunſtan's Church-yard, and got upon the leads, where he ſaw the very ſame man, carrying the very ſame flag, he had ſeen in the fields. Gentlemen, whether the petitioners employed the ſame ſtandard man through the whole courſe of their peaceable proceſſion is certainly totally immaterial to the cauſe, but the circumſtance is material to ſhew the wickedneſs of the man. How, ſays Mr. Kenyon, do you know that it was the ſame perſon you ſaw in the fields? Was you acquainted with him?—No.—How then?—Why he looked like a brewer's ſervant. *Like a brewer's ſervant!* what, were they not all in their Sunday's clothes?—Oh! yes, they were all in their Sunday's clothes. Was the man with the flag alone in the dreſs of his trade?—No.—Then how do you know he was a brewer's ſervant?—Poor Mr. Hay!—nothing but ſweat and confuſion again. At laſt, after a heſitation, which every body thought would have ended in his running out of court, he ſaid, he knew him to be a brewer's ſervant, becauſe there was ſomething particular in the cut of his coat, the cut of his breeches, and the cut of his ſtockings.

You ſee by what ſtrange means villainy is detected; perhaps he might have eſcaped from me, but he ſunk under that ſhrewdneſs and ſagacity, which ability, without long habits, does not provide. Gentlemen, you will not I am ſure, forget, whenever you ſee a man, about whoſe apparel there is any thing particular, to ſet him down for a brewer's ſervant.

Mr. Hay afterwards went to the lobby of the Houſe of Commons. What took him there?——He thought himſelf in danger; and therefore, ſays Mr. Kenyon, you thruſt yourſelf voluntarily into the very centre of danger. *That would not do.*—— Then he had a particular friend, whom he knew to be in the lobby, and whom he apprehended to be in danger.——"Sir, who was that particular friend? out with it! give us his name inſtantly!" All in confuſion again. Not a word to ſay for himſelf; and the name of this perſon, who had the honour of Mr. Hay's friendſhip, will probably remain a ſecret for ever. It may be aſked how are theſe circumſtances material, and the anſwer is obvious: they are material; becauſe you ſee a witneſs running into every hole and corner of falſehood, and as faſt as he is made to bolt out of one, taking cover in another: you will never give credit to what that man relates, as to points which are to affect the life or reputation of a fellow citizen accuſed before you. God forbid that you ſhould. I might therefore get rid of this wretch, altogether, without making a ſingle remark on that part of his teſtimony which bears upon the iſſue you are trying; but the crown ſhall have the full benefit of it all; I will defraud it of nothing he has ſaid; notwithſtanding all his bankruptcy of fortune, and conſcience, and all his folly and wickedneſs. Let us for the preſent take it as true, and ſee what it amounts to. What is it he ſtates to have paſſed at Coach makers Hall:—That Lord George Gordon deſired them to behave with unanimity and firmneſs, as the Scotch had done. Gentlemen, there is no manner of doubt that the Scotch behaved with unanimity and firmneſs, in reſiſting the relaxation of the penal laws againſt Papiſts, and that by that unanimity and firmneſs they ſucceeded; but it was by the conſtitutional unanimity and firmneſs of the great body of the people of Scotland, whoſe example Lord George Gordon recommended, and not by the riots and burning which they attempted to prove had been committed in Edinburgh in 1778.

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I can tell you myſelf, Gentlemen, as one of the people of Scotland, that there then exiſted, and ſtill exiſt, eighty-five ſocieties of Proteſtants, who have been, and ſtill are, uniformly firm in oppoſing every change in that ſyſtem of laws eſtabliſhed to ſecure the Revolution, and parliament gave way in Scotland to their united voice not to the fire-brands of the rabble. It is the duty of parliament to liſten to the voice of the people, for they are the ſervants of the people; and when the conſtitution of church or ſtate is unanimouſly believed, whether truely or falſely, to be in danger, I hope there never will be wanting men, notwithſtanding the proceedings of to day, to deſire the people to perſevere and be firm. Gentlemen, has the crown proved that the Proteſtant brethren of the London Aſſociation had fired the Maſs-Houſes in Scotland, or had acted in rebellious oppoſition to law, ſo as to intitle it to wreſt the priſoner's expreſſions into an excitation of rebellion againſt the ſtate, or of violence againſt the properties of Papiſts here, by ſetting up their firmneſs as an example? Certainly not. They have not even proved the naked fact of ſuch violences having been committed, though ſuch proof would have called for no reſiſtance, ſince to make it bear as rebellious advice to the Proteſtant Aſſociation of London, it muſt have been firſt ſhewn that ſuch acts had been perpetrated or encouraged by the Proteſtant Societies in the north.

Who has dared to ſay this? no man. Gentlemen, the rabble in Scotland certainly did that which has ſince been done by the rabble in England, to the diſgrace and reproach of both countries; but in neither country was there found one man of character or condition, of any deſcription, who abetted ſuch enormities, nor any man, high, or low, of any of the Aſſociated Proteſtants here or there, who were either convicted, tried, or taken on ſuſpicion.

As to what this man heard, on the 29th of May, it was nothing more than the propoſition of going up in a body to St. George's-fields, to conſider how the petition ſhould be preſented, with the ſame exhortations to firmneſs as before. The reſolution made on the motion has been read, and when I come to ſtate the evidence on the part of my noble friend, I will ſhew you the impoſſibility of ſupporting any criminal inference from what Mr. Hay afterwards puts in his mouth in the lobby, even taking it to be true. I wiſh here to be accurate [looks on a piece of paper on which he had taken down his words] He ſays, "Lord George deſired them to continue ſteadfaſtly to adhere to ſo good "a cauſe as their's was, promiſed to perſevere in it himſelf, and hoped, though there was "little expectation at preſent from the Houſe of Commons, that they would meet with "redreſs from their *mild and gracious Sovereign*, who no doubt would recommend it to his "miniſters to repeal it." This was all he heard, and I will ſhew you how this man, wicked as he is, if any belief is to be given to him, entirely overturns and brings to the ground the evidence of Mr. Bowen, on which the crown reſts ſingly for the proof of words, which are more difficult to explain. Gentlemen, was this the language of rebellion? If a multitude was at the gates of the Houſe of Commons to command and inſiſt on a repeal of this law, why encourage their hopes, by reminding them that they had a mild and gracious Sovereign? If war was levying againſt him, there was no occaſion for his mildneſs and graciouſneſs. If he had ſaid be firm and perſevere, we ſhall meet with redreſs from the *prudence* of the ſovereign it might have borne a different conſtruction, becauſe, whether he was gracious or ſevere, his prudence might lead him to ſubmit to the neceſſity of the times. The words ſworn to were, therefore, perfectly clear and unambiguous—perſevere in your zeal and ſupplications, and you will meet with redreſs from a mild and gracious king, who will recommend it to his miniſter to repeal it. Good God! if they were to wait till the King, whether from benevolence or fear, ſhould direct his miniſter to influence the proceedings of parliament, how does it ſquare with the charge of inſtant coercion or intimidation of the Houſe of Commons? If the multitude was aſſembled with the premeditated deſign of producing the immediate repeal by terror or arms, is it poſſible to ſuppoſe that their leader would deſire them to be quiet, and refer them to thoſe qualities of the prince, which, however eminently they belonged to him, never could be exerted on ſubjects in rebellion to his authority? Into what a labyrinth of nonſenſe and contradiction men involve themſelves, when forſaking the rigid rules of evidence, in *caſes of blood*, they would draw concluſions from words in contradiction to language, and in defiance of common ſenſe.

The next witneſs that is called to you by the crown is Mr. Medcalfe; he was not in the lobby, but ſpeaks only to Coachmakers-Hall on the 29th of May, and to St. George's-fields, He ſays, that at the former, Lord George reminded them, that the Scotch had ſucceeded by their unanimity; hoped that no one, who had ſigned the petition, would be aſhamed or afraid to ſhew himſelf in the cauſe. That he was ready to go to the gallows for it. That he would not preſent the petition of a lukewarm people; deſired them to come to St. George's-Fields, diſtinguiſhed with blue cockades, and that they ſhould be marſhalled in four diviſions. Then he ſpeaks to ſeeing them in the fields, in the order that had been

preſcribe,

preſcribed, that he ſaw Lord George Gordon there in a coach, ſurrounded with a vaſt concourſe of people, with blue ribbons, forming like ſoldiers, but was not near enough to hear whether the priſoner ſpoke to them or not. Such is Mr. Metcalf's evidence, and after the attention you have honoured me with, and which I ſhall have occaſion ſo often to aſk again on the ſame ſubject, I ſhall trouble you with but one obſervation, viz. That it cannot, without abſurdity, be ſuppoſed, that if the aſſembly at Coachmakers-Hall, had been ſuch conſpirators as they are repreſented, their doors would have been open to ſtrangers, like this witneſs, to come in to report their proceedings.

The next witneſs is Mr Anſtruther, who ſpeaks to the language and deportment of the noble priſoner, both at Coachmakers-Hall on the 29th of May and afterwards on the 2d of June, in the lobby of the Houſe of Commons. It will be granted to me, I am ſure, even by the advocates of the crown, that this gentleman, not only from the clearneſs and conſiſtency of his teſtimony, but from his rank and character in the world, is infinitely more worthy of credit than Mr. Hay who went before him; and if the circumſtances of irritation and confuſion under which the Rev. Mr. Bowen confeſſed himſelf to have heard and ſeen what he told you he heard and ſaw, I may likewiſe aſſert, without any offence to the Reverend Gentleman, and without drawing any parellel betweeen their credits, that where their accounts of this tranſaction differ, the preference is due to the former. Mr. Anſtruther very properly prefaced his evidence with this declaration: "*I do not mean to ſpeak "accurately to words, it is impoſſible to recollect them at this diſtance of time.*" I believe I have uſed his very expreſſion, and ſuch expreſſion it well became him to uſe in a *caſe of blood.* But words, even if they could be accurately remembered, are to be admitted with great reſerve and caution, when the purpoſe of the ſpeaker is to be meaſured by them. They are tranſient and fleeting; frequently the effect of a ſudden tranſport, eaſily miſunderſtood, and often unconſciouſly miſrepreſented. It may be the fate of the moſt innocent language, to appear ambiguous, or even malignant, when related in mutilated detached paſſages, by people to whom they were not addreſſed, and who knew nothing of the previous deſign, either of the ſpeaker, or of thoſe to whom he ſpoke.—Mr. Anſtruther ſays, that he heard Lord George Gordon deſire the petitioners to meet him on the Friday following in St. George's-fields, and that if there were fewer than twenty thouſand people he would not preſent the petition, as it would not be of conſequence enough, and that he recommended to them the example of the Scotch, who, by their firmneſs, had carried their point.

Gentlemen, I have already admitted that they did by firmneſs carry it. But has Mr. Anſtruther attempted to ſtate any one expreſſion that fell from the priſoner, to juſtify the poſitive unerring concluſion, or even the preſumption, that the firmneſs of the Scotch Proteſtants, by which the point was carried in Scotland, was the reſiſtance and riots of the rabble? No, Gentlemen, he ſingly ſtates the words, as he heard them in the hall, on the 29th, and all that he afterwards ſpeaks to in the lobby rebutts ſo harſh and dangerous a conſtruction. The words ſworn to at Coachmakers-Hall are, "that he recommended temperance and firmneſs." Gentlemen, if his motives are to be judged by words, for Heaven's ſake let theſe words carry their popular meaning in language. It is to be preſumed, without proof, that a man means one thing, becauſe he ſays another? Does the exhortation of temperance and fimneſs apply moſt naturally to the conſtitutional reſiſtance of the proteſtants of Scotland, or to the outrages of ruffians who pulled down the houſes of their neighbours? Is it poſſible, with decency, to ſay in a court of juſtice, that the recommendation of temperance is the excitation of villainy and phrenzy? But the words it ſeems are to be conſtrued, not from their own ſignification, but from that which follows, viz. *by that the Scotch carried their point.* Gentlemen, is it in evidence before you, that by rebellion the Scotch carried their point; or that the indulgencies to Papiſts were not extended to Scotland, becauſe the rabble had oppoſed their extenſion? Has the crown authorized either the court, or its law ſervants, to tell you ſo? Or can it be decently maintained, that parliament was ſo infamous, or ſo weak as to yield, to a wretched mob of vagabonds at Edinburgh, what it has ſince refuſed to the earneſt prayers of an hundred thouſand Proteſtants in London? No, Gentlemen of the Jury, parliament was not, I hope, ſo abandoned. But the miniſters knew that the Proteſtants in Scotland were, to a man, abhorrent of that law, and thou gh they never held out reſiſtance, if government ſhould be diſpoſed to cram it down their throats by force, yet ſuch a violence to the united ſentiments of the people, appeared to be a meaſure ſo obnoxious, ſo dangerous, and withal ſo unreaſonable, that it was wiſely and judiciouſly dropped to ſatisfy the general wiſhes of the nation, and not to avert the vengeance of thoſe low incendiaries, whoſe miſdeeds have rather been talked of than proved.

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Thus, Gentlemen, the exculpation of Lord George's conduct on the 29th of May, is ſufficiently eſtabliſhed by the very evidence on which the crown aſks you to convict him: ſince in recommending *temperance and firmneſs after the example of Scotland*, you cannot be juſtified in pronouncing, that he meant more than the firmneſs of the grave and reſpectable people in that country, to whoſe conſtitutional firmneſs the legiſlature had before acceded, inſtead of branding it with the title of rebellion; and who in my mind deſerve thanks from the king, for temperately and firmly reſiſting every innovation which they conceived to be dangerous to the national religion, independent of which, his majeſty (without a new limitation by parliament) has no more title to the crown than I have.

Such, Gentlemen, is the whole amount of all my noble friend's previous communication with the petitioners, whom he afterwards aſſembled to conſider how their petition ſhould be preſented. This is all, not only that men of credit can tell you on the part of the proſecution, but all that even the worſt vagabond that ever appeared in a court, the very ſcum of the earth, thought himſelf ſafe in ſaying, upon oath, on the preſent occaſion. Indeed, Gentlemen, when I conſider my noble friend's ſituation, his open, unreſerved temper, and his warm and animated zeal for a cauſe which rendered him obnoxious to ſo many wicked men; ſpeaking daily and publickly to mixed multitudes of friends and foes on a ſubject which affected his paſſions—I confeſs, I am aſtoniſhed that no other expreſſions, than thoſe in evidence before you, have found their way into this court. That they have not found their way is ſurely a moſt ſatisfactory proof, that there was nothing in his heart, which even youthful zeal could magnify into guilt, or want of caution could betray.

Gentlemen, Mr. Anſtruther's evidence, when he ſpeaks of the lobby of the Houſe of Commons, is very much to be attended to. He ſays, "I ſaw Lord George leaning "over the gallery," which poſition, joined with what he mentioned of his talking with the chaplain, marks the time, and caſts a ſtrong doubt on Bowen's teſtimony, which you will find ſtands, in this only material part of it, ſingle and unſupported. "I then heard "him," continues Mr. Anſtruther, "tell them they had been called a mob, in the Houſe, "and that peace officers had been ſent to diſperſe them, *peaceable* petitioners: but that by "ſteadineſs and firmneſs they might carry their point; as he had no doubt his majeſty, "who was a *gracious* prince, would ſend to his miniſters to repeal the act, when he heard "his ſubjects were coming up for miles round, and *wiſhing* its repeal." How coming up? in rebellion and arms to compel it?—No!—All is ſtill put on the *graciouſneſs* of the ſovereign, in liſtening to the unanimous wiſhes of his people. If the multitude then aſſembled had been brought together to intimidate the Houſe by their firmneſs, or to coerce it by their numbers, it was ridiculous to look forward to the king's influence over it, when the collection of future multitudes ſhould induce him to employ it. The expreſſions were therefore quite unambiguous, nor could malice itſelf have ſuggeſted another conſtruction of them, were it not for the fact, that the Houſe was at that time ſurrounded, not by the petitioners, whom the noble priſoner had aſſembled, but by a mob who had mixed with them, and who therefore, when addreſſed by him, were inſtantly ſet down as his followers. He thought he was addreſſing the ſober members of the Aſſociation, who by ſteadineſs and perſeverance, could underſtand nothing more than perſeverance in that conduct he had antecedently preſcribed. For ſteadineſs ſignifies an uniformity, not a change of conduct, and I defy the crown to find out a ſingle expreſſion, from the day he took the chair of the Aſſociation, to the day I am ſpeaking of, that juſtifies any other conſtruction of ſteadineſs and firmneſs than that which I put upon it before.

What would be the feelings of our venerable anceſtors, who framed the ſtatute of treaſons to prevent their children being drawn into the ſnares of death, unleſs *proveably* convicted by overt acts, if they could hear us diſputing whether it was treaſon to deſire harmleſs unarmed men to be firm and of good heart, and to truſt to the graciouſneſs of their king.

Here Mr. Anſtruther cloſes his evidence, which leads me to Mr. Bowen, who is the only man—*I beſeech you, Gentlemen of the Jury, to attend to this circumſtance.*—Mr. Bowen is the only man who has attempted, directly or indirectly, to ſay that Lord George Gordon uttered a ſyllable to the multitude in the lobby, concerning the deſtruction of the maſs-houſes in Scotland: not one of the crown witneſſes, not even the wretched abandoned Hay, who was kept, as he ſaid, in the lobby, the whole afternoon, from anxiety for his pretended friend, has ever glanced at any expreſſion reſembling it. They all finiſh with the expectation which he held out, from a mild and *gracious* ſovereign. Mr. Bowen alone goes on further, and ſpeaks of the ſucceſsful riots of the Scotch, but ſpeaks of them in ſuch a manner, as ſo far from conveying the hoſtile idea *which he ſeemed ſufficiently deſirous to convey*, tends directly to wipe off the dark hints and inſinuations which have been made to ſupply the place of proof upon that ſubject—a ſubject which ſhould not have been touch-

ed on without the fulleſt ſupport of evidence, and where nothing but the moſt unequivocal evidence ought to have been received. He ſays his Lordſhip began by bidding them be *quiet*, PEACEABLE, and *ſteady—not ſteady alone*;—though if that had been the expreſſion, ſingly by itſelf, I ſhould not be afraid to meet it; but be quiet, PEACEABLE, and ſteady. Gentlemen, I am indifferent what other expreſſions of dubious interpretation are mixed with theſe, for you are trying whether my noble friend came to the Houſe of Commons with a decidedly hoſtile mind; and as I ſhall, on the recapitulation of our own evidence, trace him in your recollection without ſpot or ſtain, down to the very moment when the imputed words were ſpoken, you will hardly forſake the whole innocent context of his behaviour, and torture your inventions to collect the blackeſt ſyſtem of guilt, ſtarting up in a moment, without being previouſly concerted, or being afterwards carried into execution.

Firſt, what are the words by which you are to be convinced that the legiſlature was to be frightened into compliance, and to be coerced if terror ſhould fail? "*Be quiet*, "PEACEABLE, *and ſteady*; *you are a good people*; *your's is a good cauſe. His majeſty is a* "GRACIOUS *monarch, and when he hears that all his people, ten miles round, are collecting, he* "*will ſend to his miniſters to repeal the act.*" God of Heaven, Gentlemen, by what rules of conſtruction can ſuch an addreſs to unarmed, defenceleſs men, be tortured into treaſonable guilt? It is impoſſible to do it without pronouncing, even in the total abſence of all proof of fraud or deceit in the ſpeaker, that quiet ſignifies tumult and uproar, and that peace ſignifies war and rebellion.

Gentlemen, I before obſerved, that it was moſt important for you to remember, that with this exhortation to quiet and confidence in the king, the evidence of the other witneſſes cloſed; even Mr. Anſtruther, who was a long time afterwards in the lobby, heard nothing further; ſo that if Mr. Bowen had been out of the caſe altogether, what would the amount have been? Why ſimply, that Lord George Gordon having aſſembled an unarmed, inoffenſive multitude in St. George's-fields, to preſent a petition to parliament, and finding them becoming tumultuous to the diſcontent of the members, and the diſcredit of the cauſe, deſired them not to give it up, but to continue to ſhew their zeal for the legal object in which they were engaged, and to manifeſt that zeal quietly and peaceably, and not to deſpair of ſucceſs; ſince though the Houſe was not diſpoſed to liſten to it, they had a *gracious* ſovereign who would: this is the ſum and ſubſtance of the whole. They were not even by any one ambiguous expreſſion encouraged to truſt to their numbers as ſufficient to overawe the Houſe, or to their ſtrength to compel it, nor to the prudence of the ſtate in yielding to neceſſity, but to the indulgence of the king, in compliance with the wiſhes of his people. Mr. Bowen however thinks proper to proceed; and I beg that you will particularly attend to the ſequel of his evidence. He ſtands ſingle, in all the reſt that he ſays, which might intitle me to aſk you abſolutely to reject it; but I have no objection to your believing it every word if you can, becauſe, if inconſiſtencies prove any thing, they prove, that there is nothing of that deliberation which conſtitutes guilt. *I mean to be correct as to his words* [looks at his words which he had taken down] He ſays, "that Lord George told the people, "that an attempt had been made to introduce the bill into Scotland, and that they had "no redreſs till the maſs-houſes were pulled down. That Lord Weymouth then ſent "official aſſurances that it ſhould not be extended to them." Gentlemen, why is Mr. Bowen called by the crown to tell you this? the reaſon is plain—becauſe the crown, conſcious that it could make no caſe of treaſon from the reſt of the evidence in the ſober judgment of law, aware that it had proved no purpoſe or act of force againſt the Houſe of Commons, to give countenance to the accuſation, much leſs to warrant a conviction, found it neceſſary to hold up the noble priſoner, as the wicked and cruel author of all thoſe calamities, in which every man's paſſions might be ſuppoſed to come in to aſſiſt his judgment to decide. They therefore made him ſpeak in ænigmas to the multitude; not telling them to do miſchief in order to ſucceed, but that by miſchief in Scotland ſucceſs had been obtained. But were the miſchiefs themſelves that did happen here of a ſort that warranted ſuch concluſion. Can any man living for inſtance believe that Lord George Gordon could poſſibly have excited the mob to deſtroy the houſe of that great and venerable magiſtrate who has preſided ſo long in this high tribunal, that the oldeſt of us do not remember him in any other form than the aweful form and figure of Juſtice:—A magiſtrate, who had always been the friend of the Proteſtant Diſſenters, againſt the ill-timed jealouſies of eſtabliſhment—his countryman too—and, without adverting to the partiality not unjuſtly imputed to men of that country, a man of whom any country might be proud.—No, Gentlemen, it is not credible, that any man of noble birth, and liberal education (unleſs agitated by the moſt implacable perſonal reſentment) could poſſibly conſent to the burning the houſe of Lord Mansfield.——If Mr. Bowen therefore had ended here, I can hardly conceive ſuch a conſtruction could be decently hazarded after all the witneſſes we have called; how much leſs when after the dark inſinuations which ſuch expreſſions might

might otherwiſe have been argued to convey, the very ſame witneſs, on whoſe teſtimony alone they are to be believed, and who muſt be credited or diſcredited *in toto*, takes out the ſting himſelf, by giving them ſuch an immediate context and concluſion as renders the propoſition ridiculous, which his evidence is brought forward to eſtabliſh; for he ſays, that Lord George Gordon, inſtantly afterwards addreſſed himſelf thus :—*Beware of evil minded perſons who may mix among you and do miſchief, the blame of which will be imputed to you.* Gentlemen, if you reflect on the ſlander which I told you fell upon the Proteſtants in Scotland by the acts of the rabble there, I am ſure you will ſee the words are capable of an eaſy explanation. But as Mr. Bowen concluded with telling you, that he heard them in the midſt of noiſe and confuſion, and as I can only take them from him, I ſhall not make an attempt to collect them into one conſiſtent diſcourſe, ſo as to give them a decided meaning in favour of my client, becauſe I have repeatedly told you, that words imperfectly heard, and partially related, cannot be ſo reconciled. But this I will ſay, that he muſt be a *ruffian* and not a lawyer; who would dare to tell an Engliſh jury that ſuch ambiguous words, hemmed cloſely in between others not only innocent, but meritorious, are to be be adopted to conſtitute guilt, by rejecting both introduction and ſequel, with which they are both abſolutely irreconcileable and inconſiſtent. For if ambiguous words, when coupled with actions, decypher the mind of the actor, ſo as to eſtabliſh the preſumption of guilt, will not ſuch as are plainly innocent and unambiguous go as far to repel ſuch preſumption ? Is innocence more difficult of proof than the moſt malignant wickedneſs? Gentlemen, I ſee your minds revolt at ſuch ſhocking propoſitions. I beſeech you to forgive me; I am afraid that my zeal for my client has led me to offer obſervations which I ought in juſtice to have believed that every honeſt mind would feel the truth of with pain and abhorrence, without being pointed out.

Gentlemen, I now come more minutely to the evidence on the part of the priſoner.

I before told you that it was not till November, 1779, when the Proteſtant Aſſociation was already fully eſtabliſhed, that Lord George Gordon was elected preſident by the unanimous voice of the whole body, unlooked for and unſollicited; and it is ſurely not an immaterial circumſtance, that at the very firſt meeting where his lordſhip preſided, a dutiful and reſpectful petition, the ſame which was afterwards preſented to parliament, was read and approved of—a petition which ſo far from containing any thing threatening or offenſive, conveys *not a very oblique reflection* upon the behaviour of the people in Scotland, taking notice that as England and that country were now one, and as official aſſurances had been given that the law ſhould not paſs there, they hoped the *peaceable* and *conſtitutional deportment of the Engliſh* Proteſtants would entitle them to the approbation of parliament.

It appears by the evidence of Mr. Eraſmus Middleton, a very reſpectable clergyman, and one of the committee of the Aſſociation, that a meeting had been held on the 4th of May, at which Lord George was not preſent. That at that meeting a motion had been made for going up with the petition in a body, but which not being regularly put from the chair, no reſolution was come to upon it, and that it was likewiſe agreed on, but in the ſame irregular manner, that there ſhould be no other public meeting, previous to the preſenting the petition: That this laſt reſolution gave great diſcontent, and that Lord George was applied to by a large and reſpectable number of the Aſſociation to call another, to conſider of the moſt prudent and reſpectful method of preſenting their petition; but that before he complied with their requeſt, he conſulted with the committee on the propriety of complying, who all agreeing to it, except the ſecretary, his lordſhip advertiſed the meeting, which was afterwards held on the 29th of May. The meeting was therefore the act of the whole aſſociation; and as to the original difference between my noble friend and the committee, on the expediency of the meaſure, it is totally immaterial; ſince Mr. Middleton, who was one of the number who differed with him on that ſubject, and whoſe evidence is therefore infinitely more to be relied on, told you, that his whole deportment was ſo clear and unequivocal, as entitled him to aſſure you, on his moſt ſolemn oath, that he in his conſcience believed that his views were perfectly conſtitutional and pure; that he attended all the previous meetings of the ſociety, from the day he became preſident to the day in queſtion, and that knowing they were objects of much jealouſy and malice, he watched his behaviour with anxiety, leſt his zeal ſhould furniſh matter for miſrepreſentation, but that he never heard an expreſſion eſcape him, which marked a diſpoſition to violate the duty and ſubordination of a ſubject, or which could lead any man to believe that his objects were different from the avowed and legal objects of the aſſociation.

Gentlemen, we could have examined thouſands to the ſame fact, for as I told you when I began to ſpeak, I was obliged to leave my place to diſencumber myſelf from their names. And now, Gentlemen, that I come to remind you of Mr. Middleton's evidence, as to the 29th of May, you will ſee how dangerous and unjuſt it is, for men,

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however perfect their memories, or however great their veracity, to come into a criminal court retailing ſcraps of ſentences which they had heard by thruſting themſelves, from curioſity, into places where their buſineſs did not lead them; ignorant of the views and tempers of both ſpeakers and hearers, hearing only a part, and perhaps innocently miſrepreſenting that part, from not having heard the whole.

The witneſſes for the crown all tell you, that Lord George ſaid he would not go up with the petition, unleſs he was attended by 20,000 people who had ſigned it, and here they think proper to ſtop as if he had ſaid nothing further. Leaving you to ſay to yourſelves—what poſſible purpoſe could he have in aſſembling ſuch a multitude on the very day the houſe was to receive the petition? Why ſhould he urge it when the Committee had before thought it inexpedient? And why ſhould he refuſe to preſent it unleſs he was ſo attended? Hear what Mr. Middleton ſays——He tells you that my noble friend informed the petitioners, that if it was decided they were not to attend to conſider how the petition ſhould be preſented, he would with the greateſt pleaſure go up with it alone, but that if it was reſolved that they ſhould attend it in perſon, he expected 20,000 at the leaſt would meet him in St. George's-fields, for that otherwiſe the petition would be conſidered as a forgery.

That it had been often thrown out in the Houſe and elſewhere, that the repeal of the bill was not the ſerious wiſh of the people at large; that the petition was a liſt of names in parchment, and not of men in ſentiment; that the ſame objections had been made to many other petitions, and aſſigned as the cauſe of their rejection; and that he was therefore anxious to ſhew parliament what, and how many were actually intereſted in its ſucceſs, which he thought, and reaſonably thought, would be a ſtrong inducement to the Houſe to liſten to it. Therefore ſays he, I wiſh them to ſee who and what you are; dreſs yourſelves in your beſt cloaths, which Mr. Hay, who I ſuppoſe, had been reading the indictment, thought it would be better to ſay array yourſelves. He deſired that not a ſtick ſhould be ſeen among them; that if any man inſulted another, or was guilty of any breach of the peace, he was to be given up to the magiſtrates. Mr. Attorney General, to perſuade you that this was all colour and deceit, ſays, How was a magiſtrate to face forty thouſand men? How were offenders in ſuch a multitude to be amenable to the civil power? Why what a ſhameful perverſion of a plain peaceable purpoſe! To be ſure if the multitude had been aſſembled to reſiſt the magiſtrate, offenders could not be ſecured. But they themſelves were ordered to apprehend all offenders amongſt them and to deliver them up to juſtice. They themſelves were to ſurrender their fellows to civil authority if they offended. But it ſeems that Lord George ought to have foreſeen that ſo great a multitude could not be collected without miſchief. Gentlemen, we are not trying whether he might or ought to have foreſeen miſchief, but whether he wickedly and traiterouſly preconcerted and deſigned it. But if he be an object of cenſure for not foreſeeing it, what ſhall we ſay to government that took no ſtep to prevent it, that iſſued no proclamation warning the people of the danger and illegality of ſuch an aſſembly. If a peaceable multitude, with a petition in their hands, be an army, and if the noiſe and confuſion, inſeparable from numbers, though without violence or the purpoſe of violence, conſtitute war, what ſhall be ſaid of that government which remained from Tueſday to Friday, knowing that an army was collecting to levy war by publick advertiſement, yet had not a ſingle ſoldier, no, not even a conſtable to protect the ſtate.

Gentlemen, I come forth to do that for government which its own ſervant, the Attorney General, has not done. I come forth to reſcue it from the infamy with which ſuch a conduct would juſtly load it, if the language its advocate has held this day was to be believed. But government has an unanſwerable defence. It neither did nor could poſſibly enter into the head of any man in authority to prophecy, human wiſdom could not divine, that wicked and deſperate men, taking advantage of the occaſion which perhaps an imprudent zeal for religion had produced, would diſhonour the cauſe of all religions by the diſgraceful acts that followed.

Why then is it to be ſaid, that Lord George Gordon is a traitor, who without proof of any hoſtile purpoſe to the government of his country, only did not foreſee that which nobody elſe foreſaw, which thoſe people whoſe buſineſs it is to foreſee every danger that threatens the ſtate, and to avert it by the interference of magiſtracy, though they could not but read the advertiſement, neither did, nor could poſſibly apprehend.

How are theſe obſervations attempted to be anſwered? only by aſſerting without evidence, or even reaſonable argument, that all this was colour and deceit. Gentlemen, I again ſay, that it is ſcandalous and reproachful, and not to be juſtified by any one duty that can poſſibly belong to an advocate at the bar, in an Engliſh court of juſtice, in a caſe of blood, to declaim without any proof or attempt of proof, that all a man's expreſſions, however peaceable, however quiet, however conſtitutional, however loyal,

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are all fraud and villainy. Look, Gentlemen, to the iſſues of life, which I before called the evidence of Heaven—I call them ſo ſtill, and I may truely call them ſo, when out of a book compiled by the crown from the petition in the Houſe of Commons, and containing the names of all who ſigned it, and which they printed in order to prevent any of that number from being ſummoned upon the jury to try this indictment, not one criminal, or even ſuſpected, name is to be found.

After this, Gentlemen, I think they ought in decency to have been ſilent. I ſee the effect it has upon you, and I know I am warranted in my aſſertion of the fact; if I am not, why did not they produce the record of ſome convictions, and compare it with the liſt. I thank them for the precious preſent, which, though they did not produce, they cannot ſtand up and deny.

Solomon ſays, O that mine adverſary would write a book—ſo ſay I. My adverſary has written a book, and out of it I am entitled to ſay that I cannot hear it again decently aſſerted, that Lord George Gordon, in exhorting that innocent and unimpeached multitude, to be peaceable and quiet, was practiſing deceit.

What is the evidence then on which this connection with the mob is to be proved?---Only that they had blue cockades.---Am I anſwerable for every man that wears a blue cockade. If a man commits murder in my livery, without my command, council, or conſent, is the murder mine?---In all *cumulative* conſtructive treaſons you are to judge from the tenor of a man's behaviour not from crooked and disjointed parts of it. *Nemo repente eſt turpiſſimus*---No man can poſſibly be guilty of this crime by a ſudden impulſe of the mind; and certainly Lord George Gordon ſtands upon the evidence at Coachmakers-Hall as pure and white as ſnow. He ſtands ſo upon the evidence of a man who had differed with him as to the expediency of his conduct, yet who ſwears that, from the the time he took the chair till the time which is the ſubject of enquiry, there was no blame in him.

You therefore are bound as chriſtian men to believe that when he came to St. George's-fields that morning he did not come there with the hoſtile purpoſe of repealing a law by rebellion.

But it ſeems all his behaviour at Coachmakers-Hall was colour and deceit. Let us ſee therefore whether this body of men when aſſembled anſwered the deſcription of that which I have ſtated to be the purpoſe of him who aſſembled them. Were they a multitude arrayed for terror or force? On the contrary you have heard, upon the evidence of men whoſe veracity is not to be impeached, that they were ſober, decent, quiet, peaceable tradeſmen; that they were all of the better ſort; all well dreſſed and well behaved; and that there was not a man among them who had any one weapon offenſive or defenſive. Sir Philip Jennings Clerke tells you, he went into the fields; that he drove through them, talked to many individuals amongſt them, who all told him that it was not their wiſh to perſecute the Papiſts, but that they were alarmed at the progreſs of their religion from their ſchools. Sir Philip further told you he never ſaw a more peaceable multitude in his life, and it appears upon the oaths of all who were preſent, that Lord George Gordon went round amongſt them deſiring peace and quiet.

Mark his conduct when he heard from Mr. Evans that there was a low riotous ſet of people aſſembled in Palace-Yard. Mr. Evans, being a member of the Proteſtant Aſſociation, and being deſirous that nothing bad might happen from the aſſembly, went in his carriage with Mr. Spinage to St. George's-Fields to inform Lord George that there were ſuch people aſſembled (probably Papiſts) who were determined to do miſchief. The moment he told him of what he heard, whatever his original plan might have been, he inſtantly changed it on ſeeing the impropriety of it. Do you intend, ſaid Mr. Evans, to carry up all theſe men with the petition to the Houſe of Commons? O no! no! not by any means, I do not mean to carry them all up. Will you give me leave, ſays Mr. Evans, to go round to the different diviſions, and tell the people that it is not your lordſhip's purpoſe? He anſwered by all means; and Mr. Evans accordingly went, but it was impoſſible to guide ſuch a number of people peaceable as they were. They were all deſirous to go, and he was at laſt obliged to leave the fields exhauſted with heat and fatigue, beſeeching them to be peaceable and quiet. Mrs. Whitingham ſet him down at the Houſe of Commons, and at the very time that he left them in perfect harmony and good order, it appears by the evidence of Sir Philip Jennings Clerke, that Palace-Yard was in an uproar, filled with miſchievous boys and the loweſt dregs of the people.

Gentlemen, I have all along told you that the crown was aware that it had no caſe of treaſon without connecting the noble priſoner with conſequences which it was in ſome luck to find advocates to ſtate without proof to ſupport it. I can only ſpeak for myſelf; that ſmall as my chance is *(as times go)* of ever arriving at that high office, I would not accept of it on the terms of being obliged to produce (as evidence of guilt) againſt a fellow citizen, that which I have been witneſs to this day. For Mr. Attorney General perfectly well knew the innocent and laudable motive with which the protection was given.

Yet it was produced to inſinuate that Lord George Gordon, knowing himſelf to be the ruler of thoſe villains, ſet himſelf up as ſaviour from their fury. We called Lord Stormont to explain this matter to you, who told you that Lord George Gordon came to Buckingham-Houſe and begged to ſee the king; ſaying he might be of great uſe in quelling the riots; and can there be on earth a greater proof of conſcious innocence; for if he had been the wicked mover of them would he have gone to the king to have confeſſed it by offering to recall his followers from the miſchiefs he had provoked? No! but ſince, notwithſtanding a publick proteſt iſſued by himſelf and the Aſſociation reviling the authors of theſe miſchiefs, the Proteſtant cauſe was ſtill made the pretext, he thought his publick exertions might be uſeful, as it might tend to remove the prejudices which wicked men had diffuſed. The king thought ſo likewiſe, and therefore, as appears by Lord Stormont, refuſed to ſee Lord George till he had given the teſt of his loyalty by ſuch exertions. But ſure I am our gracious ſovereign meant no trap for innocence, nor ever recommended it as ſuch to his ſervants.

Lord George's language was ſimply this: "The multitude pretend to be perpetrating theſe acts under the authority of the Proteſtant petition; I aſſure your Majeſty they are not the Proteſtant Aſſociation, and I ſhall be glad to be of any ſervice in ſuppreſſing them." *I ſay, by God, that man is a ruffian* who ſhall, after this, preſume to build upon ſuch honeſt, artleſs conduct as an evidence of guilt. But, Gentlemen, if Lord George Gordon had been guilty of high treaſon (as is aſſumed to-day) in the face of the whole parliament, how are all its members to defend themſelves from the miſpriſion of ſuffering ſuch a man to go at large and to approach his ſovereign. The man that conceals the perpetration of treaſon is himſelf a traitor; but they are all perfectly ſafe. For nobody thought of treaſon till fears ariſing from another quarter bewildered their ſenſes.

The king, therefore, and his ſervants very wiſely accepted his promiſe of aſſiſtance, and he flew with honeſt zeal to fulfil it. Sir Philip Jennings Clerke tells you, that he made uſe of every expreſſion that it was poſſible for a man in ſuch circumſtances to do. He begged them, for God's ſake, to diſperſe and go home; hoped the petition would be granted, but that rioting was not the way to effect it. Sir Philip ſaid he felt himſelf bound without being particularly aſked, to ſay every thing he could in protection of an injured and innocent man, and repeated again, that there was not an art he could poſſibly make uſe of that he did not zealouſly employ; but it was all in vain. I began, ſays he, to tremble for myſelf, for Lord George read the reſolution of the Houſe, which was hoſtile to them, and ſaid their petition would not be taken into conſideration till they were quiet. But did he ſay, therefore go on to burn and deſtroy? On the contrary, he helped to pen that motion, and read it to the multitude, as one which he himſelf had approved. After this he went into the coach with Sheriff Pugh, in the city, and there it was that he publickly ſigned that protection which has been read in evidence againſt him, although Mr. Fiſher, who now ſtands in my preſence, and who has repeatedly told me that he thought Lord George Gordon to be as innocent as the child unborn, confeſſed in the Privy Council, that he himſelf had granted ſimilar protections to various people, yet was diſmiſſed, as having done nothing but his duty.

Gentlemen, this is the plain and ſimple truth; and for this juſt obedience to his Majeſty's requeſt, do the king's ſervants come to-day into this court, where the king is ſuppoſed in perſon to ſit, to turn that obedience into the crime of high treaſon, and to aſk you to put him to death for it.

Gentlemen, you have now heard, upon the ſolemn oaths of honeſt diſintereſted men, a faithful hiſtory of the conduct of Lord George Gordon, from the day that he became a a member of the Proteſtant Aſſociation, to the day that he was committed a priſoner to the Tower. And I have no doubt from the attention with which I have been honoured from the beginning, that you have ſtill kept in your minds the principles to which I entreated you would apply it, and that you have meaſured it all by that ſtandard.

You have now therefore only to look back to the whole of it together; to reflect on all you have heard concerning him; to trace him in your recollection thro' every part of the tranſaction; and conſidering it with one manly, liberal view, to aſk your own honeſt hearts, whether you can ſay that this noble and unfortunate youth is a wicked and deliberate traitor who deſerves by your verdict to ſuffer a ſhameful and ignominious death, and to ſtain the ancient honours of his houſe for ever.

The crime that the crown would have fixed upon him is, that he aſſembled the Proteſtant Aſſociation round the Houſe of Commons, not merely *to influence and perſuade Parliament by the earneſtneſs of their ſupplications*, but actually to coerce it by hoſtile rebellious force—That finding himſelf diſappointed in the ſucceſs of that coercion

coercion, he afterwards incited his followers to aboliſh the legal indulgences to papiſts which the object of the petition was to repeal, by the burning of their houſes of worſhip, and the deſtruction of their property, which ended at laſt in a general attack on the property of all orders of men, religious and civil, on the publick treaſures of the nation, and on the very being of the government.

To ſupport a charge of ſo atrocious and unnatural a complexion, the laws of the moſt arbitrary nations would require the moſt incontrovertible proof; either the villain muſt have been taken in the overt act of wickedneſs, or if he worked in ſecret upon others, his guilt muſt have been brought out by the conſiſtent tenor of his conduct, or by the diſcovery of ſome plot or conſpiracy—the very worſt inquiſitor that ever dealt *in blood* would vindicate the torture at leaſt by plauſibility and the ſemblance of truth.

What evidence then will a jury of Engliſhmen expect from the ſervants of the crown of England, before they deliver up a brother accuſed before them to ignominy and death? What proof will their conſciences require? What will their plain, and manly underſtandings accept of? What does the immemorial cuſtom of their fathers, and the written law of this land, warrant them in demanding? nothing leſs, in any caſe of blood, than the cleareſt and moſt unequivocal proof—But in this caſe the act has not even truſted to the humanity and juſtice of our general law, but has ſaid in plain rough expreſſive terms *proveably*, that is, ſays Lord Coke, *not upon conjectural preſumptions or inferences, or ſtrains of wit*, but upon direct and plain proof—For the King, Lords, and Commons, continues that great lawyer, did not uſe the word *probably*, for then a common argument might have ſerved; but *proveably*, which ſignifies the higheſt force of demonſtration.—And what evidence, Gentlemen of the jury, does the crown offer to you in compliance with theſe ſound and ſacred doctrines of juſtice—a few broken, interrupted, disjointed words, without context or connexion, uttered by the ſpeaker in agitation and heat, and heard by thoſe who relate them to you in the midſt of tumult and confuſion; and even thoſe words, mutilated as they are, in direct oppoſition to, and inconſiſtent with, repeated and earneſt declarations delivered at the very ſame time and on the very ſame occaſion, related to you by a much greater number of perſons, and abſolutely incompatible with the whole tenor of his conduct, proved to you by reſpectable witneſſes, whom we only ceaſed calling becauſe human life would have been too ſhort to hear the remainder.

What can be added to ſuch obſervations—which even if they were leſs clear carry their own explanation in every one of your minds. Which of us all, Gentlemen, would be ſafe, ſtanding at the bar of God, or man, if we were to be judged not by the regular current of our lives, and converſations, but by detached and unguarded expreſſions, picked out by malice, and recorded without context or circumſtances againſt us, though directly inconſiſtent with other expreſſions delivered at the ſame time on the ſame ſubject, and though repugnant to the whole tenor of our deportment and behaviour. Yet ſuch is the only evidence on which the crown aſks you to dip your hands, and to ſtain your conſciences, in the *innocent blood* of the noble and unfortunate youth who now ſtands before you: on the ſingle evidence of the words you have heard from their witneſſes *(for what but words have you heard)* which even if they had ſtood uncontroverted by the proofs with which we have ſwallowed them up, or unexplained by circumſtances which deſtroy their malignity, could not at the very worſt amount in law to more than a breach of the act of tumultuous petitioning, if ſuch an act ſtill exiſts. Since the worſt malice of his enemies have not been able to bring out one ſingle witneſs to ſay that he has ever directed, countenanced, or approved rebellious force againſt the legiſlature of his country: yet without which evidence it is impoſſible to make a caſe of treaſon by the moſt ſtrained and romantic conſtruction—It is indeed aſtoniſhing to me, that men can keep the natural colour in their cheeks, when they aſk for blood on ſuch a caſe, even if the priſoner had made no defence—But will they ſtill continue to aſk for it after what they have heard? I will juſt remind the Sollicitor General, before he begins his reply, what matter he has to encounter with.

That the going up in a body was not even originated by Lord George, but by others in his abſence; that when propoſed by him it was unanimouſly adopted by the whole Aſſociation, and conſequently their act as much as his: adopted not in a conclave, but with open doors, and the reſolution publiſhed to all the world; known to the miniſters and magiſtrates of the country, who did not even ſignify to him, or to any body elſe, that it was dangerous or illegal; that decency and peace were enjoined and commanded; and that very regularity and thoſe badges of diſtinction, which are now cruelly turned into the charge of an hoſtile array againſt him, expreſsly and publickly directed for the preſervation of peace, and the prevention of tumult; to ſecure which there was not even a walking ſtick to be ſeen amongſt them, and their demeanor perfectly peaceable

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till it was apparently disgraced by the acts of a villainous banditti, which have been separated from the Protestant Association by the most incontrovertible proofs; and which, even if not so separated, could not have affected Lord George but by bringing home their conduct to him

While the house was deliberating, he repeatedly intreated them to behave with decency and peace, and to retire to their houses; but he knew not that he was speaking to the enemies of his cause. When they at last dispersed, no man thought or imagined that treason had been committed; and his lordship was carried home by Sir James Lowther, a gentleman of the first fortune and character, who tells you, that on the coach being surrounded by the mob, Lord George beseeched them to be quiet and to disperse, or parliament would never listen to their petition. He then returned to bed, where he lay unconscious that ruffians were ruining him by their disorders in the night. On Monday he published an advertisement, reviling the authors of these riots; and, as the Protestant cause had been wickedly made the pretext for them, enjoining all who wished well to it to behave like good citizens. Nor has the crown even attempted to prove that he had either given, or that he afterwards gave, secret instructions in opposition to that publick admonition. He afterwards begged an audience to receive the king's commands; he waited on the ministers; he attended his duty in parliament; and when the multitude, *amongst whom there was not a man of the associated Protestants*, again assembled on the Tuesday, under pretence of the Protestant cause, he offered his services, and read a resolution of the house to them, accompanied with every expostulation which a zeal for peace could possibly inspire; and because he was speaking to Ruffians and Papists, and not to the authors of the petition, and who therefore would not obey, how is that to be imputed to him.

He afterwards, agreeable to the king's direction, attended the magistrates in their duty, honestly and honourably exerting all his powers to quell the fury of the multitude: a conduct which, to the dishonour of the crown, has been scandalously turned against him, and protections which he granted publickly in the coach of the Sheriff of London, whom he was assisting in his office of magistracy, are produced in evidence against him. Although protections of a similar nature were, to the knowledge of the whole privy council granted by Mr. Fisher himself, who now stands in my presence unreproved, and who, if the crown that summoned him durst have called him, would have explained them so as to remove every imputation of guilt.

What then has produced this trial for high treason? or given it when produced the seriousness and solemnity it wears! What! but the inversion of all justice by judging from consequences, instead of from causes and designs! what but the artful manner in which the crown has endeavoured to blend the petitioning in a body, and the zeal with which an animated disposition conducted it, with the melancholy crimes that followed; crimes, which the shameful indolence of our magistrates, which the total extinction of all police and government, suffered to be committed in broad day, in the dilirium of drunkenness, by an unarmed banditti, without a head, without plan or object, and without a refuge from the instant gripe of justice: a banditti, with whom the Associated Protestants and their president had no manner of connection, and whose cause they overturned, dishonoured, and ruined.

How unchristian then is it to attempt, without evidence, to infect your imaginations, who are upon your oaths, dispassionately and disinterestedly to try the offence of assembling a multitude with a petition to repeal a law, which has happened so often in all our memories before, by blending it with all the future catastrophe on which every man's mind may be supposed to retain some degree of irritation? *O fie! O fie!* It is taking the advantage of all the infirmities of nature. Do they wish you, while you are listening to the evidence, to connect it with consequences in spite of reason and truth, in order to hang the millstone of prejudice round his innocent neck to sink him. If there be such men, may God forgive them for the attempt, and inspire you with fortitude and wisdom, to do your duty to your fellow citizen, with calm, steady, reflecting minds.

Gentlemen, I have no manner of doubt that you will, I am sure you cannot but see (notwithstanding my great inability, increased by a perturbation of mind arising, thank God, from no dishonest cause) that there has been not only no evidence on the part of the crown, to fix the guilt of the late commotions upon him, but that on the contrary, we have been able to resist the *probability*; I might almost say the *possibility* of the charge, not only by living witnesses, whom we only ceased to call, because the trial would never have ended, but by the evidence of all the blood that has paid the forfeit of that guilt already; an evidence that I will take upon me to say is the strongest, and most unanswerable, that the combination of natural events ever brought together for the shield

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of a guiltleſs man. That in the trial of all that black catalogue which expired on the gibbets, though conducted by the ableſt Servants of the Crown, with an eye, and with a laudable eye, to the inveſtigation of the cauſes of the ſubject of to-day, no one fact appeared which ſhewed any plan, any object, any Leader. That out of forty-four thouſand perſons who ſigned the petition of the Proteſtants, not one out of all that number was to be found among thoſe who were convicted, tried, or even apprehended on ſuſpicion; and that out of all the Felons that were let looſe from priſons, and who aſſiſted in the deſtruction and plunder of our property, not a ſingle wretch was to be found who could even attempt to ſave his own life by the plauſible promiſe of giving evidence on the preſent occaſion.

Gentlemen, what can overturn ſuch a proof as this?—Surely a good man might, without ſuperſtition, believe that ſuch an union of events was ſomething more than the natural iſſues of Life, and that the Providence of God was watchful for the protection of innocence and truth. I may now therefore relieve you from the pain of hearing me any longer, and be myſelf relieved from the pain of ſpeaking on a ſubject which agitates and diſtreſſes me. Since Lord George Gordon ſtands clear of every hoſtile act or purpoſe againſt the Legiſlature of his country, or the properties of his fellow-ſubjects—ſince the whole tenor of his conduct repels the belief of the traitorous purpoſe charged by the indictment—my taſk is finiſhed. I ſhall make no addreſs to your paſſions; I will not remind you of the long and rigorous impriſonment he has ſuffered; I will not ſpeak to you of his great youth, of his illuſtrious birth, and of his uniformly animated and generous zeal in Parliament for the conſtitution of his country. Such topics might be uſeful in the balance of a doubtful caſe; yet even then I ſhould have truſted to the honeſt hearts of Engliſhmen to have felt them without excitation. At preſent, the plain and rigid rules of Juſtice are ſufficient to entitle me to your Verdict; and may God Almighty, who is the ſacred author of both, fill your minds with the deepeſt impreſſions of them, and with virtue to follow thoſe impreſſions! You will then reſtore my innocent Client to liberty, and me to that peace of mind, which, ſince the protection of that innocence in any part depended upon me, I have never known.

MR. SOLICITOR-GENERAL.

GENTLEMEN of the Jury, it is my duty now, and a very painful one indeed it is, excluſive of the circumſtance of the very long time we have been here employed, and of the fatigue which I very ſenſibly feel, that I ſhould now be obliged to obſerve to you upon the effect of the evidence which has been given againſt the Priſoner.

I am perfectly convinced, that, if I was not ſo much exhauſted as to be equal only to very feeble efforts indeed, it would be utterly out of my power to do juſtice to the preſent cauſe; many, I am ſatisfied, of thoſe who hear me, and who have paid attention to the evidence, would perceive that I was guilty of many omiſſions, that I ſuffered a great variety of circumſtances to paſs unnoticed, material to be attended to in the deciſion of the cauſe. — I am alſo apprehenſive, but I cannot ſay with much concern, that to others I may appear, even with thoſe defects, too ſtrenuous perhaps in drawing inferences from the facts which have been proved in the cauſe to the prejudice of the Priſoner; that I may urge arguments beyond their natural force, and wiſh you to lay ſtreſs upon proofs which ought not to carry much force with them: and, indeed, if I was to believe, or if any man could believe, what has been very lately, very frequently, very boldly, very hardily aſſerted, I might be afraid of ſharing in that cenſure and that blame, which, in a manner perfectly new in Engliſh courts of judicature, has been caſt upon my learned Friend, as the author of this proſecution, as well as upon the Witneſſes who have appeared in the cauſe, and upon all who have had any thing to do with it; and, if the word of a Gentleman who has boldly, adventurouſly and licentiouſly inveighed againſt every man who has had any thing to do in the conduct of this cauſe, is to be taken againſt evidence, againſt reaſon, againſt law, I ſhould have indeed a very terrible trial to undergo. I muſt fear very much for my reputation; I muſt fear the imputation of perſecution, of cruelty, of an attempt to ſupport an unjuſt and groundleſs proſecution, by ſhameful ignominious evidence; for this is the reſult of frequent aſſertions, made with a boldneſs perfectly new to me in my ſhort experience in Engliſh judicature, but which, however, makes no impreſſion upon me.

I have endeavoured to guard myſelf againſt it, for this juſt and important reaſon: if I ſuffered myſelf to be tranſported by any thing like reſentment of the wrong I think I have to complain of on the part of the Advocate employed, I might, perhaps, incur the cenſure of ſeverity and acrimony againſt the priſoner. God knows I am a perfect ſtranger to any ſuch thing; I never knew them, I hope I never ſhall know them; but greater provocation by the Counſel for a priſoner was never given to the advocates for a proſecution, I might almoſt ſay, to the juſtice of the country, and thus much I cannot help obſerving: but I am ſo far from feeling that the invective, the cenſure, and give me leave to call it the calumny and the ſlander, that have been ſo freely ſpread, and ſo often repeated, have the ſmalleſt ground, that I am free to confeſs I ſhould have thought, if I had ſtood in the place of my learned Friend, when he commenced this proſecution, I ſhould have thought myſelf extremely blameable, and anſwerable to the juſtice of my country for great neglect, if I had omitted to bring the Priſoner to trial. I do not mean to inſinuate, that he is therefore guilty becauſe he is tried; but I think all who hear me will go along with me, when I ſay, that if in the ultimate reſult it could happen, that your verdict ſhould be in his favour, that he has had ſuch ſtrong appearances of guilt againſt him —— I ſay, Gentlemen, every man I think will accompany me when I aſſert, that there have appeared ſuch ſtrong *ſymptoms* at leaſt, of guilt againſt the priſoner; that any perſon acquainted with them, would have thought it the duty of thoſe entruſted with the proſecuting powers of the Crown, to bring the Priſoner to this tribunal. Let me again aſſert, however, that whatever has been ſaid acrimonious towards my Friend or me, (as I am included in the accuſation) I forget it from this moment; it ſhall make no impreſſion upon me; it ſhall not ſharpen my temper againſt the Noble Priſoner: it ſhall not, on the other hand, deter me from doing that which I think my duty; and though a learned Gentleman at the Bar ſhall tell me ten times, to my face, that I am a Ruffian, I ſhall not think that I deſerve it becauſe he ſays ſo; nor will any ſuch abuſe frighten me from doing the duty of an Engliſh Advocate, proſecuting, at leaſt, I will venture to ſay, whether he be guilty of the crime charged upon him, or not, a criminal, in the unfortunate effects of his conduct, as pernicious to the country, as any from whom it ever felt.

Gentlemen, I hardly know, amidſt the various matter with which this cauſe is pregnant, and which calls for obſervation, where firſt to call your attention.

Gentlemen,

Gentlemen, before I go into the particulars of the facts upon which I have to obſerve, ſomething having been ſaid upon ſome general topics, it is fit that I ſhould remark to you upon it. Into this cauſe have been introduced ſome doctrines upon the freedom of Petitions to Parliament, and that multitudes for that purpoſe may accompany them; and it ſeems to have been ſaid by both my learned Friends, that any number of men may go with their petitions to parliament; and they both tell you, that an act of parliament which reſtrains that number to ten, made in the time of Charles the Firſt, has been repealed by a law made in the 1ſt year of King William, called the Bill of Rights. In my apprehenſion, there is no foundation for that ſuppoſition, though, if there was, it has no relation to the cauſe you are trying. A ſtatute in the reign of Charles the Second, made after the miſchiefs of the uſurpation, in order to check every approach towards tumults, reſtrained the number of men who under any pretence ſhall prefer petitions, to ten, under conſiderable pecuniary penalties. Immediately after the Revolution in 1688, in the Bill of Rights, one declared is, that the ſubjects have a right to petition the King, not to petition the Parliament; for of the right to petition the Parliament no man had ever doubted: but that very act recites, as one of the acts of tyranny practiſed by James the Second, that ſeveral prelates had been proſecuted for a petition; and, as applied to that grievance, there afterwards comes a declaration of the rights of the people, that they may petition the King. All petitions, therefore, to Parliament, about the right of preſenting which no mortal could ever doubt, remain as they were before that delaration of rights, and cannot poſſibly be affected by it.

But farther, if it had been ſaid expreſſly by the declaration of rights, that the ſubject had a right to petition the King or Parliament, would it have at all followed, that the act of Charles the Second, which ſuppoſes ſuch a right, and only regulates the exerciſe of it, was in any reſpect repealed?

The ſtatute of Charles the Second, which ſays there never ſhall be more than ten perſons go with a petition, either to the King or Parliament, neceſſarily ſuppoſes, that, previous to that act, there was no limitation of number; that the ſubjects had a right to offer up their petitions to either the Parliament or the King, but, to prevent abuſes of that right, limits the number of perſons that ſhall accompany a petition. It ſeems to me abſurd reaſoning to ſuppoſe that this act of parliament could poſſibly be repealed by a ſubſequent law, which only declares in general, that the people of this kingdom have a right to petition the King. But, in God's name, what has that act of parliament to do with the preſent queſtion? Was it a law before the time of Charles the Second, when the numbers of petitioners was reſtrained to ten, that any number might carry a petition? that that number might carry their petition with any circumſtances? in ſhort, that they might take the Prince on the throne priſoner in his palace, or ſurround the Parliament, and beſiege it, till their petitions were granted? Can this poſſibly be believed? It cannot be; it is utterly inconſiſtent with all order and government; and men might be as guilty of a riot, tumultuouſly petitioning before that act, as they can be ſince, and are anſwerable to their country for the commiſſion of ſuch a crime; neither can it poſſibly be inferred from that act, (becauſe it has laid a penalty upon petitioners, let them be ever ſo peaceable, who go up in a number beyond ten) that if they are guilty of the greateſt outrages, they are ſtill only puniſhable according to that act, and are not to be called upon by the juſtice of their country, for the moſt violent riots, for terror, actual force, or any of the circumſtances of outrage you may ſuppoſe men guilty of, in order to inforce a petition, carried up by a multitude of people.

A great deal has been ſaid to you upon the ſubject of the Law of Treaſon; and my learned Friend is complained of, that he did not employ a great length of time in explaining to you the doctrine of Treaſon, upon which this proſecution is founded. He is not at liberty to ſtate his reaſon for himſelf, and therefore he will pardon me that I give one for him; and that is, that he is not accuſtomed, idly, uſeleſsly, and vainly, to miſſpend his time, either to make a parade of his learning, or to ſhew that he has been guilty of a fooliſh diligence, in collecting from books, poſitions of the Law of Treaſon, of which no mortal man can entertain a doubt; for you will obſerve, that even now, in the ſtage of this cauſe in which we are, neither of the learned Gentlemen you have heard, neither my learned Friend who opened the Defence, nor the learned Gentleman whom you have laſt heard, have made a doubt, that that which was deſcribed by the Attorney-General ſhortly, is an act of levying war; that is to ſay, an inſurrection of a multitude, either to redreſs a pretended public grievance, to repeal a law, to change religion, in ſhort, to effect any purpoſe contrary to law, in which the ſubjects of the kingdom at large are intereſted, by force, and which conſequently muſt naturally produce force in oppoſition to it, and thus beget a ſtate of war.

I do not mean to make uſe of technical language to you, becauſe, if I am ſo happy as to explain to you what I mean, you will underſtand me better than if I was to reſort to law books, and make uſe of technical expreſſions. Will any man deny that this act is Treaſon? or is it a new doctrine? No perſon who has been one year at the Inns of Court, and has looked into one book relating to criminal law, is a ſtranger to it. The 25th of Edward the Third did not make this the law of England; it was the law of England from the earlieſt time, long before any written laws were known; what we call the Common Law of the land; and it muſt be the law of every country; for without it no country can exiſt, no Government can be upheld. If a lawleſs multitude may riſe with force, take the executive power into their own hands, and redreſs grievances; if they may aſſume the legiſlative power, and ſay, "We are the governors of this country; you who have the power of making laws ſhall have it no longer; but this law ſhall be made, or that ſhall be undone," no Government can exiſt; and wherever there is an inſurrection of a multitude, by force to repeal a law, no man ever yet heſitated to pronounce, that that was High Treaſon, becauſe it is levying war: you will ſee it cannot be otherwiſe. If a multitude of people thus endeavour to enforce their lawleſs pretenſions, in oppoſition to the eſtabliſhed Government, what muſt take place? Law is at an end till they are quelled. If they are yielded to, they are the legiſlators, the ſovereigns of the country; the Government exiſts no longer. If they are oppoſed, a ſtate of war takes place; a ſtate of force, in which he that is the ſtronger muſt prevail. Courts of Juſtice muſt be at an end, ſuch litigations cannot there be determined; no tribunal can decide the diſpute, it muſt be terminated by the ſword.

All this is obvious to the meaneſt capacity, that reflects upon it a moment; and this is the plain, and ſimple, and intelligible doctrine, upon which the caſes, which I ſhall not trouble you on, of Damaree that was mentioned, and many others, have been determined; upon which I ſhall only ſay, that ſuppoſing the guilt of the Noble Lord is made to appear, ſuppoſing he is affected by what has been done, the crimes of thoſe who have again and again ſuffered, in the caſe of Damaree and many others, are nothing in the balance. The caſe of Damaree was an enraged rabble got together, to deſtroy ſome meeting houſes; and two men were there convicted of levying war, one of whom only called out to the mob "to follow him to one fire," and was preſent at another, and took ſome goods and flung them in the fire, encouraging them, and crying, "Down with the Preſbyterians!" and two meeting-houſes were deſtroyed, and no more; a mere trifle, a nothing to what we have here had experience of.

It is not that caſe alone, but there are caſes without end: indeed, if there had been none, no man could doubt, but that thoſe who engage in ſuch a tranſaction, levy war againſt the State; becauſe they ſet up themſelves againſt the Government, with force attack it, and can by force only be reſiſted, and therefore introduce a ſtate of war; for I know no true deſcription of a ſtate of war in a country, except that in which, between ſubjects engaged on different ſides, force only can decide the queſtion. Thoſe who engage here to repeal a law, ſuppoſing that to be proved, what do they ſay? They tell the King, who has the executive power, whoſe firſt and moſt important duty it is to convene together and protect his Parliaments in free deliberation, that he ſhall not exerciſe that power; that he, as part of the Parliament, ſitting in the judgement of law always in it, ſhall not exerciſe that part of legiſlative power. To the Parliament itſelf they ſay, "Though the conſtitution of your country has made you the legiſlators, we will take that power out of your hands; you ſhall be legiſlators no longer; it is not you that ſhall enact, it is not you that ſhall repeal; we will do it, we, who are"—what? who are, and muſt be, and can be, nothing elſe than traitors to their country, and rebels againſt the State.

I hope I do not, I am ſure I do not mean, to ſtrain the doctrine of Treaſon one inch, or a ſmaller ſpace, beyond that which the predeceſſors of the learned Judges have long ago, upon the ſoundeſt principles, decided; and as little would I attempt to aggravate the guilt of the Priſoner at the bar, or to ſtrain the evidence which has been produced againſt him.

The queſtion which you will have to decide upon the Noble Lord, will be, as it ſeems to me, whether he has been guilty of levying war in this way? that is, whether he has been a partaker, a promoter, and inciter of an inſurrection, made againſt the Government of this country, to repeal by force the law that you have heard of? That will be the queſtion. If there has been an inſurrection to repeal that law, if the priſoner at the bar is in judgement of law one of the inſurgents, he has then committed Treaſon againſt the State; he has been guilty of levying war; and the learned Judges will tell you, it is not neceſſary that he ſhould do the miſchief that is done, with his own

own hand. The General of an army ſeldom puts to death one of the enemy with his own hand; he fires not the muſquet, ſeldom points the ſword; the actual, immediate miſchief is done by the hands of the ſoldiers whom he directs and commands; and if there has been ſuch an inſurrection as I ſuppoſe there has exiſted, and the Noble Lord has borne a part in it, has incited it, partly by his expreſſions, and partly by his actions; then, whether he was preſent at all or any of thoſe places where the worſt of the miſchief was committed, the guilt of all falls as much upon his head, as if he himſelf had put the fire-brand to every houſe that was deſtroyed.

This will not be diſputed with me, it is not doubted by either of the learned Gentlemen; and I am extremely happy, that if I miſinterpret any part of this law, or ſtate any thing too ſtrong to you, I ſhall be corrected by the learned Judges who hear me. I hope that not any thing I have ſtated to you will deſerve the name of conundrums, which is one of the appellations given, in the haſte of eloquence, I preſume, by one of the Gentlemen who laſt addreſſed you. I take it to be clear law as any to be found in our books, and never to this moment diſputed.

In the firſt place, we are to conſider here, whether there has been an inſurrection to repeal this law? Then we will enquire, whether the Noble Priſoner had a part in it? Now, that there has been an inſurrection to repeal this law, I think I need not take up much of your time to prove; for mark what has been done. I know the exceptions that are attempted by the learned Gentlemen, which I ſhall by and by anſwer; but ſee ſhortly what has been done—A vaſt multitude of people, greater than can poſſibly be conſiſtent with order, to the number of thouſands without a name, (for whether 20, 30, 40,000, remains perfectly in the dark) met together at Coachmakers' Hall, and other places, and finally in St. George's Fields, for the purpoſe of carrying a petition to Parliament: they come thither with that force upon Friday the ſecond of June; they fill every avenue of the Houſe, they block up the lobby, they inſult ſome of the Members of the Legiſlature, they made it barely poſſible for many others to find their way to their ſeats in that Houſe; their noiſe, their riot, their tumult, is ſuch, that the buſineſs of the Legiſlature cannot go on; the Repreſentatives of you and of us all ſit ſtill with their hands before them, the priſoners, the ſlaves of theſe *humble* petitioners; for ſlaves we certainly were, as it is proved, in every ſenſe of the word; ſcarce venturing to look out at the door, expecting every moment violence within, and not knowing that death would not be the fate of thoſe who ſhould dare to ſay a word in oppoſition to the requeſts of theſe petitioners. The conduct of many of the Members of the Houſe is reported to this diſorderly tumultuous aſſembly; they are told who are their friends, and who are their enemies.—I am not ſaying now by whom they are told, by ſomebody they are told, that the buſineſs cannot go on, that the Houſe cannot even divide upon their petition till they retire. What is their conduct? Do they move? How happened it that the Members of that Houſe were not priſoners for days? Was it any merit in the petitioners that they did not ſo remain? that they ſet them at liberty? Did they put an end to their impriſonment? No; they were ſet at liberty by that, which I hope we ſhall never live to ſee again in this country, they were ſet at liberty by a military force. The Legiſlature of this country, the Parliament, the Commons of England there repreſented, could not protect themſelves, could not debate, could not deliberate, could not decide: the King, whoſe peculiar duty it was to protect them, could not, by the ordinary exerciſe of his power, the civil power I mean, that which we only know in the ordinary courſe of the adminiſtration of public affairs; he was obliged to have recourſe to his army. And in what ſtate was this country then? Permit me to ſtop here, and call your attention for a moment. Good God! is that a ſtate of peace, when the ſenators of a great nation cannot by themſelves, by the magiſtrates of the country, defend themſelves from actual violence? And I will venture to ſay, there was not a man in this town, there was not a perſon who had any connection with a friend then in that Houſe, who did not tremble for his fate.

The miſchiefs of ſuch a ſtate, beſides the dreadful inſult to the Houſe itſelf, I need not paint to you, for they are obvious. You have the ſame connections with other men; you have brothers, you have fathers, you have ſons, and you can very eaſily conceive what muſt have been felt, by all who had any thing to wiſh, or hope, for thoſe who were in this lamentable ſtate of impriſonment, unknown before, I believe, in any civiliſed country. Thoſe who call this a ſtate of peace, who ſay that my learned Friend's accuſing criminals that are the authors of this dreadful diſorder with levying war againſt the King, is a dreadful reproach upon the perſons entruſted by his Majeſty with proſecuting for the ſake of public juſtice, differ very widely from me. I wiſh never to ſtretch reaſons;

but if I had been called upon at that moment to ſay, whether this country was in a ſtate of peace or war, whether there then had begun a rebellion, I ſhould have taken a great deal of time to conſider it; I ſhould not have thought it the work of a moment to decide, that this country was then in a ſtate of peace; for I cannot help myſelf thinking, that, at that time, the real power of the country was in that turbulent unruly multitude, by which the Houſe of Commons was then beſet—beſet for the purpoſe of enforcing a repeal of that law. The words, No popery! Repeal, repeal! ecchoed again and again in that Houſe; one of the door-keepers who attended, telling you, that he was ſo frightened, that he does not know how, at laſt, the lobby was cleared; and ſuch a ſtate of force and outrage prevailed, as, I believe, you nor any other perſon preſent have ever heard of.

This was unqueſtionably the caſe. What followed? The object was, to repeal a law which had been made,—falſely as it has been ſaid, wickedly as it has, in my opinion, been ſaid,—tolerating or encouraging popery; for the object of that repealing law was only to obliterate from the ſtatutes of this country certain clauſes in a law that had been written in blood—cruel almoſt beyond example. I do not know that there is another inſtance, though I believe there is one in the Statutes, in which perpetual impriſonment is inflicted upon a ſubject of this country; and it is not for the honour of the laws of a free country that any man ſhould be condemned to languiſh out his life in a miſerable dungeon; to put him to death, is mercy in compariſon of ſuch a puniſhment. To repeal this cruel law, which was certainly the effect of faction, for it was made in the reign of a man dear to the preſent times, and dear for ever he ought to be to the human race, for the moſt uninterrupted love of liberty civil and religious, for his noble his moſt glorious and ſucceſsful exertions for the ſupport of both. The law made in King William's reign, which it was the object of this act to repeal, was certainly made much againſt the inclination of that illuſtrious Prince, and becauſe the miſerable faction which then diſtracted this country made it impoſſible for him to reſiſt it.—To repeal this repealing law was the object of this tumultuous aſſembly; theſe petitioners inſiſted upon that repeal.

When this law was not repealed, when the Houſe had firmneſs enough not to be overawed by thoſe who wanted to be their maſters, what happened next? Did they ſtop? Did they diſperſe, or did they ſet about enforcing this repeal by arguments of another ſort? By arguments exactly ſimilar to thoſe which prevailed in the caſe of Damaree, and of the men who were convicted for pulling down meeting-houſes. They reſorted firſt to the chapels of foreign Ambaſſadors, becauſe there the Roman-Catholic Religion was exerciſed; and theſe they demoliſhed and plundered. When I ſay plundered, it was mere plunder for deſtruction. This was upon Friday. What was next done?

Upon Sunday, one chapel and ſome houſes of Roman Catholics are plundered; ſome of the offenders are taken up; perſons appear as witneſſes againſt them. What follows? Thoſe who appeared as witneſſes, and thoſe who were active in taking them up, have their houſes pulled down.

Upon the Monday night, an attack is made on Sir George Savile, a name too reſpectable to receive any advantage from panegyrics of mine; his houſe is attacked, not demoliſhed, becauſe ſaved by a military force; the ſame military force which diſperſed the mob after the miſchiefs it had done at the chapels of both Ambaſſadors. This is upon the Monday.

What is done upon the Tueſday? The ſame violence repeated of every ſort. Firſt, a tumultuous aſſembly here, ready to have acted the ſame tragedy over again, to have repeated the ſame inſult upon the Houſe; but that ignominious ſcene neceſſarily again cauſed the military force to be called in to protect our Legiſlature; otherwiſe, it cannot be doubted but the ſame noiſe, the ſame tumult, every thing that paſſed before, in the lobby, would have been repeated to the Members of the Houſe. A noble Lord, coming down to diſcharge his duty in Parliament, narrowly eſcaping with his life, Mr. Hyde, becauſe he interpoſed to protect that noble Lord, was immediately marked by the mob; there was a cry inſtantly after, to go to Hyde's, and his houſe is pulled down. From thence, a cry, To Newgate! that gaol is deſtroyed, becauſe in that gaol thoſe offenders who had been before apprehended were confined.

I need not go through the ſeveral outrages: they were dreadful. You have heard it proved, and you muſt know yourſelves, that violence and outrage were felt in many places; dreaded every where, and reſiſted by none but a military force; the law was at an end; magiſtrates were nothing; and a very conſiderable military force was neceſſary to ſubdue this inſurrection. All this happened; and there can be no doubt, I think, if this

this happened by the ſame perſons, purſuing the ſame end, the repeal of the law, that it is a violent inſurrection, an actual war againſt the Government, againſt the Legiſlature of this country, in order to compel by force a repeal of this law. If it is, I ſhall ſay no more than I have done already, to convince you that the perſons who are guilty of theſe proceedings are guilty of the crime of High-Treaſon. I aſſure you I do not, God forbid I ſhould! wilfully ſtretch the law beyond what I take to be its clear and ſettled import.

If this has been committed, if this was the deplorable ſtate of England, we come next to conſider, whether the Noble Priſoner has had that ſhare in it which involves him in the guilt. It has been aſked, What poſſible motive could engage the Priſoner in enterpriſes ſo illegal, ſo dangerous, ſo deſperate? In anſwer to that, I cannot look into the human heart; but I know that the worſt of all enterpriſes have been produced, and repeatedly been produced, in the world, by falſe ambition, aiming at unjuſt pre-eminence; and likewiſe by falſe notions of religion, which, though felt to a certain degree very often, are ſeldom quite free from hypocriſy: and if the mind of any man is infatuated with religious zeal, and has alſo room left in it for ambition, there does not exiſt in human nature a more dreadful compoſition; becauſe ſuch a man will ſometimes even deceive himſelf; he will conſtantly attempt to deceive others; and, under the miſtake of zeal for religion, he will endeavour to effectuate every purpoſe, wicked or not, that can ſerve or promote the ends of his ambition. I need not recall to your mind the hiſtory of an age not very diſtant in this country, in which theſe qualities, mixed together in ſome very eminent men, deſolated this nation, and made it for many years a ſcene of confuſion, horror, and bloodſhed.

Whether theſe were the motives of the Noble Lord, I do not pretend to decide. I am to judge from his actions only; and if he has been guilty of that, which it is the object of this proſecution to prove upon him; for we cannot dive into his heart, and truly diſcern the motives upon which he acted; whatever thoſe motives may be, he muſt ſuffer the portion which the law has allotted for his crimes.

Now, Gentlemen, let me conſider the part which the Noble Lord has acted, and the evidence by which that is proved. I will ſtate it ſhortly to you, and then obſerve upon the evidence by which it is proved.

The Noble Lord met ſeveral times at the different places where the Proteſtant Aſſociation were aſſembled: he was the preſident of that aſſembly. His object was to repeal this law. At Coachmakers' Hall it was decided; and he ſtrongly ſupported the idea of meeting in St. George's Fields with that immenſe number. At that Coachmakers' Hall he holds language dreadful almoſt to repeat to you. I ſtate this to you, ſuppoſing the witneſſes to have ſpoken the truth; for at that place, or at one of the meetings, when he is exhorting thoſe of whom he was preſident, he tells them, "that his Majeſty's counſellors, or his adviſers, had brought him to the ſame ſituation with James the Second, after his abdication." He read the King's coronation-oath: he ſaid "the King had broken that oath." Speaking of his countrymen the Scotch, he ſaid "his countrymen did not mince the matter; they ſpoke out." You will remark, Gentlemen, it occurs again and again: there is no proof of any perſons in Scotland ſpeaking out, in any other ſenſe than in that you will find by and by, by acts of force. He adviſed them "ſtedfaſtly to adhere to ſo good a cauſe." This is Mr. Hay's evidence. He tells you farther, that he ſaw the perſon who carried the flag down at the Houſe of Commons, carrying the ſame flag at the burning of the Fleet Priſon. It is a part of this Gentleman's evidence, as of ſeveral others, that "the Noble Lord deſired that they would have cockades;" and that is indeed proved by his own witneſs, Mr. Middleton.

Mr. Metcalf tells you, that the Noble Lord told the people when they were aſſembled, "that the Scotch had ſucceeded by their unanimity; deſired that they would be unanimous; hoped no one who had ſigned the petition, would be aſhamed or afraid to ſhew himſelf in the cauſe; that he would not preſent the petition, unleſs he was met in St. George's Fields by 20,000 people; he would be anſwerable for any that were moleſted on account of the meeting; he wiſhed well to the cauſe, and would go to the gallows in or for it," the witneſs is not certain which; "he would not preſent the petition of a lukewarm people."

Mr. Anſtruther proves to you expreſſions of the ſame ſort; "that the Scotch had ſucceeded by their unanimity; he deſired they alſo would be unanimous; that he would not go up with the petition, unleſs he was met by 20,000 people: he recommended it to them to come with ſome mark of diſtinction, as a blue ribbon, or blue cockade, that they might be diſtinguiſhed from their foes; that he would be anſwerable they ſhould not

not be moleſted; he would not have them run any riſque he would not himſelf run; that he wiſhed ſo well to the cauſe, he was ready to go to death for the cauſe, or to go to the gallows for it."

Here are three witneſſes; Hay, Metcalfe, and Mr. Anſtruther.—Theſe are the expreſſions previous to the meeting in St. George's Fields. In St George's Fields this aſſembly met; they had their flags; on ſome, "The Proteſtant Aſſociation;" on others, "No Popery!" they had all, according to the deſire of the Noble Lord, blue cockades in their hats. They are deſired to go into diviſions, (that was ſettled at Coachmakers' Hall) and march in them; in thoſe diviſions they came to the Houſe; when they came to the Houſe, the Noble Lord ſeveral times addreſſed them: He tells them again and again what is ſaid by this man, what is ſaid by another; "the Speaker ſays, they are come under the pretence of religion; Lord North calls them a mob; a member for Briſtol is againſt them; Mr. Rous moves for calling in the military or the civil power." This the Noble Lord does. They apply to him, having ſtill their cockades, thouſands about the Houſe ſtopping up every avenue. The noble Lord addreſſes them many times; he ſtates the caſe to them, and tells them, "that the buſineſs cannot be done, there can be no diviſion till they depart; that almoſt all the Houſe, excepting three or four individuals, are for adjourning till Tueſday." They offer to go, if he will adviſe them ſo; they will take his advice, and he leaves it entirely to themſelves: "He adviſes them to be temperate and firm; ſometimes adviſes them to adhere, ſometimes adviſes them to be ſteady." Mr. Anſtruther mentioned a variety of things that paſſed between the Noble Lord and them, when they were in the lobby, and when he was in the gallery, and at the time when there was great confuſion; and among other things, the Noble Lord undertakes to tell them what is the true ſtate of the caſe. "I will tell you how the matter ſtands; the Houſe are going to divide upon the queſtion, whether your petition ſhall be taken into conſideration now or upon Tueſday; there are for taking it into conſideration now, myſelf and five or ſix; the reſt are againſt it: if it is not now taken into conſideration, the Petition will be loſt; to-morrow the Houſe does not ſit, Monday is the King's birth-day, Tueſday the Parliament may be diſſolved, or prorogued." This paſſed in the lobby.

Mr. Bowen gives you a much fuller detail of what paſſed, and of the ſeveral things ſaid by the Noble Lord; he ſays that other people ſpoke to this mob, deſiring they would depart; they called out, Lord George Gordon! He told him what he had heard in the lobby, that theſe perſons would go if he deſired them. Lord George Gordon went to the gallery; he addreſſed them, deſired them to be quiet, peaceable, and ſteady: "His Majeſty is a gracious monarch, and when he hears that the people ten miles round are collecting, no doubt he will ſend his miniſters private orders to repeal the bill." Then he mentions an attempt to introduce this bill into Scotland; "the Scotch had no redreſs till they pulled down the maſs-houſes," or, if thoſe were not the words, they were to the ſame effect; or "when they pulled down the maſs-houſes, they had redreſs: that then Lord Weymouth ſent official aſſurances, that the act ſhould not be extended to them; and why ſhould the Scotch be better off than you?"

Mr. Cater follows this Gentleman; and he gives you an account of expreſſions very much to the ſame effect. He tells you, that perſons were there calling out, that they would clear the lobby, if his Lordſhip wiſhed it; they would do it directly, and without any trouble.

The Priſoner ſaid, "I will tell you how your caſe ſtands; I have moved to have your petition taken now into conſideration; there are Alderman Bull and two or three more for it, the reſt are againſt it; therefore, if you wiſh the petition ſhould now be taken into conſideration, you may ſtay, or do as you pleaſe. He then aſked them, whether they would chooſe to have it now taken into conſideration?" They were all ſilent and attentive when he addreſſed them; then they all called out, "Now, now, now!" Then he aſked them, "Would you wiſh to be in the ſame ſtate they are in in Scotland?" They ſaid, "Yes, yes." The Noble Lord's anſwer is, "Well, well."

Gentlemen, all this paſſed upon the Friday. I have told you the miſchief that was done between that time and the Tueſday. The ſame mob come down again to the Houſe on Tueſday, with their blue cockades, threatening the ſame danger to the members. A noble Lord, in the midſt of them, had great violence offered to him, which was ſtopped only by the military. A party of the mob then go to Mr. Hyde's, and then to Newgate, with their blue cockades. And how does the Noble Priſoner come to that Houſe?—With his blue cockade—with that ſame badge, with that ſame bond of union and ſedition, which had marked him out as one of thoſe concerned in this inſurrection. In this appearance he comes down to the Houſe upon the Tueſday.

How

How does he depart?—He is carried away in triumph by the ſame mob—his horſes are taken from his carriage, and he is drawn into the city. This is proved to you by his own witneſs, Sir Philip Jennings Clerke, who was carried very much againſt his own will, and beyond the place he meant to go to, to the houſe of Alderman Bull; for it ſeems, without any direction given by the Noble Lord, they knew the houſe in the city to which he would deſire to go.

What does the Noble Lord do upon the Wedneſday? He goes to one of the Secretaries of State, and as his counſel tells you, having nothing to do in this tranſaction, he tells the Secretary he wants an admiſſion to his Majeſty, to inform him that "he can be of great ſervice in ſuppreſſing the riots." This the Noble Lord ſays himſelf upon that very Wedneſday, and afterwards, when deſired by a perſon, he writes his name upon the protection that has been read to you; that protection has its effect: the rabble, who were about to attack the houſe of the man who wanted that protection, and in which a Roman Catholic lived, ſtopped their violence, yielded to the protection, and the houſe was ſaved.

This is the ſubſtance of what is proved againſt the Noble Lord. But, in the firſt place, you are told by the Gentleman whom you laſt heard,—uniform in his eloquence, for eloquence he undoubtedly has—I dare ſay he was tranſported by the unuſual heat and warmth with which you ſaw him agitated; and I dare ſay, in cooler moments, reflecting upon what he ſaid, he would recall his expreſſions;—but, in order to get rid of this teſtimony, he tells you, that the evidence correſponds to the deſigns and the views of thoſe who are in the proſecution, and that it has been ſupported by the ſcum of the earth; that was the general characteriſtic given to the witneſſes, the ſcum of the earth. It was given generally; and as applied to one, it will have little weight, when the ſame facts are proved by many. But who deſerves that appellation? The witneſſes produced are, Mr Hay, a printer, who has had the misfortune to have failed in trade, to have been a bankrupt; and therefore, for the ſake of a play upon the word, he, becauſe he has been unfortunate in his circumſtances, is to be diſhoneſt; becauſe he has been a bankrupt in trade, is a bankrupt in conſcience; and you are to take that Gentleman's word, in order to get rid at once of the teſtimony of Mr. Hay, and to ſuppoſe, upon his bold and groundleſs aſſertion, that Mr. Hay, without a motive, without intereſt, without poſſible reaſon, is guilty of wilful and corrupt perjury; for nothing leſs will ſerve the purpoſe: and you know, Gentlemen, that every witneſs, unleſs he diſgraces and contradicts himſelf, is to be thought worthy of credit. You know, upon ſuch a trial as this, it is peculiarly in the power of the priſoner to impeach the character of a witneſs, if he deſerves to be impeached; becauſe by a law made favourable to perſons in the ſituation of the Noble Lord, he has a liſt delivered him of the witneſſes, eighteen days before his trial, in order to give him an opportunity of knowing who they are, where they live, and what is their reputation, that he may find out a ground, if there is any, to peach their credit. Not an attempt is made by evidence to impeach the credit of Mr. Hay; therefore I have a right to ſay, that unleſs you can diſcover, in the teſtimony he has given, ſuch contradictions as will affect his credit, he ſtands an honeſt unimpeached Engliſhman before you, and is entitled (equally with every Engliſhman whoſe character and credit is not wounded) to your belief.

What are the other witneſſes?—Mr. Anſtruther, a Gentleman at the Bar; a more honourable character this iſland does not boaſt.—What is Mr. Metcalf?—An Attorney of undoubted reputation.—Who is Mr. Bowen?—A Clergyman, whoſe reputation was never touched; an officiating chaplain to the Houſe of Commons, who was officiating to the Houſe that day.—Mr. Cater, a late member of the Houſe of Commons, now not ſitting in it; a man of large fortune, and irreproachable character, who could have no temptation to depoſe a fraud.

Theſe are the witneſſes who ſpeak to the tranſactions at the Hall, and at the Houſe of Commons. Are they to be diſbelieved? Is ſlander to do away that evidence, in anſwer to which nothing can be ſaid, and againſt which I hope by and by to ſhew you (where I ſay I hope, I only mean to do my duty; I have no other hope) no evidence has been given? Now, if their evidence is true, what conſequence reſults? What is the language to men formed into a body, meeting for a public purpoſe, the object of which is to repeal a law as they ſuppoſe affecting the Proteſtant Religion, which his Majeſty by his coronation oath is bound to ſupport? The language is, "he has violated, or broken, that oath; he is in the ſame ſituation that King James the Second was, when he had abdicated the throne." If one meant to ſound rebellion through the land, in terms the loudeſt, the ſtrongeſt, and moſt effectual, does language furniſh one with expreſſions that would better anſwer the purpoſe?

What is ſaid about the Scotch? "That they ſpoke out, they had not minced the matter."

What is ſpoken about "ſharing the common danger? about going to the gallows?" Strange ideas to enter into the heads of men, whoſe objects were perfectly peaceable; who looked not to any thing like force,—who were the laſt of all men that ſhould have dreamed of danger.

What is the language throughout, from beginning to end, in the lobby of the Houſe of Commons? The alluſion to the Scotch again and again, in the plaineſt terms, as proved by Mr. Bowen, Mr. Cater, Mr. Anſtruther, and all the reſt of this evidence, with regard to the Scotch, is helped, though it don't appear to me to be material, by theſe witneſſes, two of whom ſpeak to the deſtruction of Roman Catholic Chapels in Edinburgh in 1779, which was not neceſſary, becauſe the Noble Lord himſelf ſaid to the mob, "that when the maſs-houſes were deſtroyed, the people of Scotland had redreſs; that then Lord Weymouth ſent them an official letter, that the deſign of introducing the ſame law there ſhould be dropped."

Mr. Cater ſays, he aſked them, as Mr. Anſtruther I think proves too, "whether they would not be in as good a condition as the Scotch? whether they would not chooſe to be as well off as the Scotch?" Mr Cater ſaid, the mob ſaid, "Yes, yes."—"Well, well," replied the Noble Lord.

Need I argue upon the force and reſult of theſe expreſſions? What is it he means by the Scotch ſpeaking out, and not mincing the matter? Why, that they by force had prevented the law being extended to them, by the deſtruction of the maſs-houſes. I will not waſte your time in endeavouring to inforce this, becauſe I am ſure neither you, nor any man who has heard the evidence that has been given, can poſſibly entertain the leaſt doubt, upon the meaning of the ſpeeches of the Noble Lord; and if he had himſelf been aſked at the time, what was the meaning of what he ſaid about the Scotch, he would have thought a man muſt be a driveller, who did not underſtand him. Indeed the language is expreſs. Then could there poſſibly be a more direct, immediate, profeſſed incitement to the very miſchief which muſt follow, the deſtruction of the Roman Catholic chapels here, as the Roman Catholic chapels had been deſtroyed at Edinburgh? for you will remember, that very thing followed in this town upon the Friday night.

Other expreſſions there are, over and over again; Be ſteady! be firm! This I hear mentioned as if it was nothing. The Noble Lord ſays, "he will not tell them what to do, the matter will be put an end to if the petition does not come on now, the Parliament don't ſit To-morrow, Monday is the King's birth day, and Tueſday the Parliament may be diſſolved or prorogued; if you want it to come on, you may ſtay, or do as you pleaſe."——Stay, or do as you pleaſe! what! ſtay againſt the will of the members of Parliament! ſtay to obſtruct them! ſtay to impriſon them! for they were then in a ſtate of impriſonment. Stay till a military force ſhall relieve them! "Or, you may do what you pleaſe!" What, in God's name, could they do, unleſs by violent hands to put the Members to death, or to practiſe an impriſonment of a day! It cannot be imagined any thing leſs can be meant, than by actual force to compel a conſent to the repeal of that law. Then what is the conſequence? And was it leſs than we have heard of? I remember the old deſignation; *ad cædem unius qui ipſe noſtrum.* It was marking out for ſlaughter, for immediate death, almoſt every man who took a part adverſe to the object of theſe petitioners, as they were called; theſe petitioners, whom, in the moſt innocent language, the noble Lord deſires to be firm, to be ſteady.

I have heard of humble petitioners, I have heard of modeſt petitioners, I have heard of reaſonable petitioners, I have heard of earneſt petitioners; but a ſteady and a firm petitioner is a new creature, one that I hope I ſhall not live to ſee encouraged in this country. The petitioner that petitions with firmneſs, I muſt underſtand, petitions with a determination not to be refuſed; and then he no longer petitions, he commands; his exhortation is an exhortation to men who do not come to aſk, but who are reſolved to take. No fair expoſition of language will warrant any other concluſion; yet theſe are moſt innocent in the words of the priſoner.

After all this, what is the conduct of the Noble Lord? Upon ſo much miſchief being done to chapels, to private houſes, before Tueſday, do you hear of his going about to the incendiaries, to thoſe miſcreants who were ſetting this town on fire, in order to intreat them to deſiſt? What is his behaviour upon that Tueſday? In my opinion, the moſt important inſtance in the whole of his conduct, hardly excepting that which paſſed between him and Lord Stormont: he comes down to the Houſe, attended by the ſame mob, with blue cockades, and colours flying;

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and what enſign does he bring with him? That ſame cockade. For what purpoſe? had he then done? had he deſiſted? had he changed his mind? did he repent of the miſchiefs? did he wiſh the tumults ſhould ceaſe? did he wiſh to diſcourage them? What! he, who in the face of the world, comes into Parliament, with that ſame badge in his hat, who told the multitude, in terms as plain as he could ſpeak, "Here I am, purſuing the ſame cauſe, with the ſame wiſhes and affections for you that I had before; the ſame man, perfectly unchanged; I am ſo within, and I bear my mark, my enſign without."—Can any man heſitate to ſay, that this conduct of his, upon the Tueſday, after all this miſchief was done, neceſſarily connects him with the Whole? when I conſider of this circumſtance, and conſider that we hear of him at no fire, though every man knew the miſchief; when I hear not of any attempt to ſtop its courſe, and ſee him again bring the colours of ſedition upon his hat; I cannot poſſibly but conclude, that he then was, and meant to ſhew himſelf, the ſame man that he was upon the Friday; the partaker, the encourager, the friend to theſe outrages.

This, Gentlemen, happened upon the Tueſday; and the ſame mob, underſtanding the noble Lord extremely well, as he ſhewed himſelf in appearance the ſame friend to them, expreſſed the like affection for him; for they ſuffer him not to ſlink away from the Houſe in an unimportant private way; no, multitudes attend him with huzzas; his horſes are taken from his carriage; and he, their leader and their governor, is led with triumph to the very extremity of the City. All this paſſes upon the Tueſday; and a part of that very mob, bearing the ſame colours with himſelf, ſhewing their firmneſs and attachment to him, go ſome of them, firſt to Mr. Hyde's, afterwards to Newgate, and commit the devaſtation with which you are well acquainted.

To ſuppoſe a want of connection here, is to ſhut one's eyes againſt the cleareſt light; but upon the Wedneſday what follows? He tells the Secretary of State, "that he could be of great ſervice in putting a ſtop to thoſe riots"—Good God! Gentlemen, after all this, what are the topics of defence! Why, it is ſaid by my friend, and that ſeems to be the main argument, that, in truth, all this miſchief was not done by any of the Proteſtant Aſſociation, was not done by any man connected with Lord George Gordon; that he had nothing to do with them; that is gravely urged, and urged with propriety, becauſe, to be ſure, it will be a very eſſential point in the cauſe; and if you could believe that after what paſſed at the Houſe of Commons, that thoſe who deſtroyed the Romiſh chapels, and went on with other miſchief, were an unconnected mob, undoubtedly you would then have a very different caſe to decide upon, from what you have at preſent; becauſe then you would have to judge upon the effect of the noble Lord's conduct, and what paſſed at the Houſe of Commons only. But can this be? is there a man, who has a head upon his ſhoulders, can believe it? What was the caſe? A prodigious mob, with blue cockades, came down to the Houſe, beſet it, filled up its avenues, and the lobby, and were tumultuous and riotous to the laſt degree, particularly upon the Biſhop of Lincoln; the attack upon Mr. Welbore Ellis was not proved, ſo I don't mention it; and they are then, in plain terms, exhorted by the noble Lord to do what was done in Scotland, in effect; that is, they ought to be as well off as their brethren in Scotland; that their brethren in Scotland had redreſs when they burnt the maſs houſes. Immediately after this, that exhortation is complied with; theſe maſs houſes are pulled down.

Now here, if I am aſked whether I believe that all the Proteſtant Aſſociation did this, or concurred in it, I own I do not believe it. I ſhould be very unwilling to brand 40,000, 20,000, or 10,000 of theſe men, with that miſchief; but that Members of the Proteſtant Aſſociation did it, there can be no doubt. You have heard various arguments made uſe of, and ſome evidence, to beget a doubt of this. Whom did the Noble Lord addreſs in the Lobby? Certainly Members of the Proteſtant Aſſociation, whom he underſtood to be ſo; he talks to them as his friends;—they had blue cockades.

In order to introduce a different idea, Sir Philip Jennings Clerke ſaid, "they did not look ſo well dreſſed as the greateſt part of thoſe he had ſeen in the ſtreet." Gentlemen, they had been long crouded in this lobby, heated and fatigued, and would naturally aſſume a very different appearance; but they are addreſſed as ſuch by the Noble Lord: "We are told to clear the lobby: we will immediately clear it if you deſire it." They offer to obey his dictates: "You may do as you pleaſe; but you cannot have your petition, if the matter is put off till Tueſday." He addreſſes them, as men who had ſigned the Petition, who concurred with him in the ſame views.

Again, what was the object of thoſe who deſtroyed the Romiſh Chapels? Has it been ſuggeſted in all you have heard to day? Have either of the learned Counſel ſuggeſted to you a poſſible motive, that induced the miſcreants who committed that deſtruction upon the Romiſh chapels, unleſs it was for a repeal of this law? No man has even conjectured at a motive. Then how are they diſtinguiſhed? By the ſame blue cockades, by

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the ſame cry of, "No Popery! Down with the Papiſts!" and the like expreſſions. They hold the ſame language that they did at the Houſe; they have the ſame cockades, are acting upon the ſame motives, or none which one can conjecture; and you will remark, that this miſchief does not begin till after the military force have removed the mob from the Houſe of Commons; and then, in ſomething more than an hour after they had been removed from the Houſe of Commons, the miſchief begins there. Good God! can there be more demonſtrative evidence? or could it be ſtronger proof to you, if they had actually been ſoldiers in a regiment, with their regular clothes on, and had in the ſame garb proceeded to this miſchief?

But what does Sir Philip Jennings Clerke tell you? He tells you, "that upon the Tueſday, the day the Priſoner came down with his cockade, he applied to him as his protector." If he applied to Lord George as his protector, Was it againſt another mob? or was it againſt the ſame mob, ſtill with the ſame cry of No Popery! ſtill purſuing the ſame object from the beginning to the end? for you will underſtand, and it is very remarkable, that down to the time of the deſtruction of Newgate, it is extremely clear that no other object had been purſued but deſtruction. There is not the leaſt proof, there is not the leaſt reaſon to believe, that any other object had been purſued, except deſtroying the Roman Catholic chapels, the houſes of Roman Catholics, and of thoſe who, either as witneſſes or magiſtrates, had endeavoured to obſtruct them in the deſign they were endeavouring to accompliſh.

Indeed, the learned Gentleman who ſpoke laſt to you, mentioned one as an exception. The preſence of the perſon before whom I ſpeak, would make it very improper and indecent in me to enlarge upon that particular circumſtance, in this cauſe; but I am very far from thinking that that is an exception to what I have ſaid; that they purſued uniformly one general deſign to force a repeal of this bill, and that their reſentment was directed uniformly againſt thoſe perſons who are what they call in friendſhip with Papiſts, and what I call friendſhip to Toleration. They knew, the Noble Perſon to whom that circumſtance alludes, has always diſtinguiſhed himſſelf, as the moſt effectual friend this country ever knew, to the moſt univerſal and liberal toleration; and when men were once embarked with a deſign to produce perſecution to one ſect of religioniſts, and indeed with a deſign to ſubvert order, government, and law, there was no one man in the kingdom to whom their reſentment would be more naturally pointed. I therefore conſider that diſgraceful miſchief as one part of the ſame uniform outrage, begun, continued, and conducted to one and the ſame wicked and execrable end: and if this has been their conduct, can any man doubt, that all has been done, from the beginning to the end, by thoſe who have borne the ſame enſign, who have joined in the ſame cry?

Indeed, to ſuppoſe that when the mob beſet the Houſe of Commons, when they engaged in the tumult here, crying out, No Popery! Repeal, repeal! that another mob, diſtinct from them, unconnected with them, would go to the Romiſh chapels, and deſtroy them, for no other purpoſe upon earth but that very purpoſe for which they had been practiſing their tumults here, that is too abſurd to be ſuppoſed; for no man can believe it. Beſides that, what is the effect? what can be the conſtruction of the Noble Lord's language to Lord Stormont? "That he could be of eſſential ſervice in ſuppreſſing the riots." How could he be of eſſential ſervice in ſuppreſſing the riots? of whom? of a miſerable banditti unconnected with the Proteſtant Aſſociation; unknown to Lord George Gordon; with whom he had never aſſociated; with whom he had nothing to do; who owed nothing to his exhortations; who never acted under his influence: and yet this is the argument upon which the innocence of the Noble Priſoner muſt reſt, if it can be ſupported; that all the miſchief was done by a diſtinct mob, with which thoſe men who came to the Houſe of Commons with this petition had nothing to do.

Whoever ſeriouſly conſiders the application, given an account of by Lord Stormont, cannot but ſee, that the Noble Lord aſſumed to himſelf, and I am afraid too truly, the character of their Leader and Commander; and in that character he would be able to do very eſſential ſervice to his country in ſuppreſſing the riots. His learned Counſel tells you of one inſtance, a very ſlender interpoſition indeed, that was not of his own motion, but at the requeſt of Pond, who comes to him, deſires a protection from him, and thus obtains it; and this is mentioned by the learned Gentleman whom you laſt heard, as a prodigious exertion, and much to the honour of the Noble Lord. I conceive it is a proof of the power which he told Lord Stormont he had, and if he had it, he could have it only becauſe he was the man whoſe influence this tumultuous aſſembly was guided by, whoſe entreaties and perſuaſions they were likely to attend to.

Gentlemen,

Gentlemen, I have almoſt done with the obſervations I have to make; I am ſorry to be ſo long; and beg your pardon; hoping the nature of the caſe will be my excuſe; but it has been boldly ſaid to you, that the evidence for the Crown has been given by the ſcum of the earth, itſelf amounting to nothing, and has been met, combated, totally defeated and overpowered, by the evidence given for the Priſoner.

I waited, I ſtretched my mind with my utmoſt exertion, in order to collect from the evidence given for the Priſoner, if I could, what it was that was proved on his behalf; and if I was now aſked and obliged upon oath to ſay what it is the Priſoner has proved in his Defence, I proteſt I am not able to tell you. I do not detract from the weight of it a grain, nor would I have you in compliment to my obſervations detract a grain from it, if you find it of weight.

Mr. Middleton and two or three others—I will not call them the ſcum of the earth, for that epithet ſhould be given to people only who are low and baſe, as well as in a humble ſtate of life—there are two or three ſpeak in general terms of Lord George Gordon being very deſirous to have all this buſineſs conducted in a peaceable manner: the ſame thing is obſerved to have been ſaid by him in St. George's Fields;—and in St. George's Fields, where he had directed what number ſhould be aſſembled, and ſaid he would not go without 20,000; had directed the cockades, the diviſions, and ſo on; that he all at once altered his mind upon Friday, and would not have them go up in large numbers, but only in ſmall ones.

What does this amount to? I will ſuppoſe it to be true; but let me make one remark upon the evidence of Mr. Middleton and another man (I forget his name) who followed him ſome time after; in which they tell you, by way of guarding againſt a poſſibility that the idea of violence ſhould ever enter into the imagination or intention of any of theſe perſons, or of Lord George Gordon eſpecially, that he deſired of them, that if one cheek was ſmitten, the other ſhould be turned; in ſhort, that they would attend to the peaceful doctrines delivered in the Goſpel, and would for that time become the ſimpleſt and pureſt Chriſtians.

My objection to this evidence is, that it is a great deal too much; and I own I am not ſcrupulous in ſaying, that I have very great doubts of it: it is not the ſort of evidence that is at all natural, it is a fact in itſelf highly improbable, and it muſt be proved by more and better witneſſes than theſe, before I can believe it.

But I have not come to a circumſtance, that, unleſs I very much miſtake, puts an end to it all. In St. George's Fields they are deſired to go in a ſmall body, only thirty or forty, with the petition. It is pretty extraordinary, that if the plan of the Noble Lord, who took the management of that meeting, was to be deſerted, that he did not apply to his committee, and get them to deſire the multitude to diſperſe, and he would himſelf go up with the petition. It was left in a looſe way; he deſired thirty or forty would go; and away goes the Noble Lord to the Houſe; and they were to bring it: ſo that his accompanying them never was underſtood to be a part of the ſcene: But if the Noble Lord really held ſuch language in St. George's Fields, if he had been averſe to great multitudes, and to riotous proceedings; how came it, that in the ſpace of a few hours, when the occaſion called for his peaceful exertions—how came it, that in the lobby, with the Legiſlature of this country proſtrate at their feet, he ſhould totally forget what he had ſaid before? that he ſhould not aſk them to depart? The Houſe is beſieged and blockaded, cannot act for riot and diſorder; and yet the priſoner, who wiſhes to diſperſe the multitude, to end the tumults, does not ſay one word to them deſiring they would diſperſe! He had totally changed his inclinations; therefore you muſt ſuppoſe, for you cannot do otherwiſe, that he was a friend to the proceedings that were going on. He had no difficult taſk to act—they were willing to obey his orders, they would clear the lobby if he deſired it. Sir Philip Jennings Clerke ſaw the men then, not like as they were at the beginning of the day, for they were preſſed and fatigued in the mob. Lord George addreſſes that mob, and tells them "he can give them no advice."

I proteſt I ſhould have thought I had been extremely culpable, if unknowing and unknown to any who had then met and had aſked me for advice, I had not given it to them. No reaſonable man could poſſibly doubt of the advice to be given; the advice to be given was, "Retire to your houſes; leave the Parliament to conſider of your petition; reaſon and not force ought to decide upon the merits of it." No man of underſtanding, of any reflection, could have heſitated one moment to give that advice; and yet the Noble Lord, who has them at command and at will, when they aſk his advice, ſays "he will give them no advice." That is Sir Philip Jennings Clerke's account. The other witneſſes tell you he ſaid, "You may do as you pleaſe." Then is it not clear,

from all the circumſtances of the caſe, that he would have endeavoured to perſuade the mob to diſperſe, unleſs he had been concerned in their proceedings?

I need not go over again what followed the cockade on Tueſday, that long interval without an attempt to peace. All this ſhews a clear continuing deſign to favour what was going on. Other expreſſions are uſed to ſhew you, that at different times, even in the lobby, this Noble Lord adviſed them to be peaceable: true, he did ſo; but it was to be quiet and peaceable—and ſteady: if they are to be temperate, they are to be firm: that is, in ſhort, "Commit no outrage that is not neceſſary to your purpoſe, but firmly purſue that purpoſe: move not; have the act repealed, or overturn the Conſtitution:" for no other meaning can be given to this firmneſs, to this attack upon the Legiſlature.

Gentlemen, all that has been ſaid by the Noble Lord, all his inflammatory expreſſions, are proved to have been ſpoken before numbers of his friends, and yet not one of them is produced—not one of that Proteſtant Aſſociation who heard that the King had broken his coronation oath, that the King was in the ſtate of having abdicated his throne—not one man attends to prove that no ſuch words were ſpoken. Are none of that choſen committee, are none of the friends of the Proteſtant cauſe witneſſes to have ſaid—"I was preſent; I heard all that paſſed; no ſuch words ever fell from the Noble Lord?" Were no perſons preſent in the lobby, no perſon there to have ſaid that theſe alluſions again and again to Scotland mentioned by Mr. Bowen did not paſs? Not one man is proved at any place, or at any time, to contradict that which is ſworn to by ſeveral witneſſes on the part of the proſecution. This, as it appears to me, carries with it unanſwerable conviction; I cannot poſſibly myſelf believe but that unleſs expreſſions of that tendency had been uſed by the Noble Lord, it muſt have been contradicted by numbers of witneſſes; but however no ſuch have been produced before you.

With theſe remarks, Gentlemen, at this late hour, I muſt now put an end to what I have to trouble you with. Let me repeat again, private and perſonal wiſhes I have none. I think and hope exactly upon this ſubject as I ſhould do if I ſat in judicature upon the Noble Lord. If the crime with which he is charged is not proved againſt him, it is your duty to acquit him, and no man will murmur at the acquittal: but if, on the other hand, the crime is made out againſt him; if this miſchief, from the beginning to the end, was practiſed by men joining in the ſame abominable cauſe, by violence and force to compel a repeal of the law; if the Noble Lord concurred and bore a part in that deſign; if he incited it, if he conducted it, if he encouraged it, what muſt be the conſequence? The conſtitution of this country, nor the conſtitution of any country can ſtand, if outrages like theſe are ſuffered to paſs with impunity.

It is always a painful taſk to pronounce the ſentence of guilt upon any man; but no conſiderations of noble birth, no other motives that work upon the private feelings and paſſions of men, will make you deaf to the calls of truth and juſtice.—If you ſhould find yourſelves at laſt obliged,—obliged, for you will not do it unleſs you are obliged from the ſtrength of the evidence brought in ſupport of this charge, to decide that the Noble Lord has committed the crime with which he is charged, every man will be ſorry that the Noble Lord ſhould have been guilty of it, every man will lament that he ſhould have expoſed himſelf to ſo unfortunate, to ſo miſerable a fate: but yet no ſuch conſideration will totally extinguiſh the regard we ought to have to the conſtitution of this country, which if the Noble Lord is guilty cannot poſſibly ſtand, unleſs offenders like him meet with the puniſhment which they deſerve.

LORD MANSFIELD.

GENTLEMEN of the JURY,

THE Priſoner at the Bar is indicted for that ſpecies of High-Treaſon which is called levying war againſt the King, and therefore it is neceſſary you ſhould firſt be informed what is in law a levying war againſt the King, ſo as to conſtitute the crime of High-Treaſon, within the Statute of Edward III. and perhaps according to the legal ſignification of the term before that Statute. There are two kinds of levying war:—one againſt the perſon of the King; to impriſon, to dethrone, or to kill him; or to make him change meaſures, or remove counſellors:—the other, which is ſaid to be levied againſt the Majeſty of the King, or, in other words, againſt him in his regal capacity; as when a multitude riſe and aſſemble to attain by force and violence any object of a general public nature; that is levying war againſt the Majeſty of the King; and moſt reaſonably ſo held, becauſe it tends to diſſolve all the bonds of ſociety, to deſtroy property, and to overturn government; and, by force of arms, to reſtrain the King from reigning according to law.

Inſurrections, by force and violence, to raiſe the price of wages, to open all priſons, to deſtroy meeting-houſes, nay, to deſtroy all brothels, to reſiſt the execution of militia laws, to throw down all incloſures, to alter the eſtabliſhed law, or change religion, to redreſs grievances real or pretended, have all been held levying war. Many other inſtances might be put. Lord Chief Juſtice Holt, in Sir John Friend's caſe, ſays "if perſons do aſſemble themſelves and act with force in oppoſition to ſome law which they think inconvenient, and hope thereby to get it repealed, this is a levying war and treaſon." In the preſent caſe, it don't reſt upon an implication that they hoped by oppoſition to a law to get it repealed, but the proſecution proceeds upon the direct ground, that the object was, by force and violence, to compel the Legiſlature to repeal a law; and therefore, without any doubt, I tell you the joint opinion of us all, that, if this multitude aſſembled with intent, by acts of force and violence, to compel the Legiſlature to repeal a law, it is High-Treaſon.

Though the form of an indictment for this ſpecies of Treaſon mentions drums, trumpets, arms, ſwords, fifes, and guns, yet none of theſe circumſtances are eſſential. The queſtion always is, whether the intent is, by force and violence, to attain an object of a general and public nature, by any inſtruments, or by dint of their numbers. Whoever incites, adviſes, encourages, or is any way aiding to ſuch a multitude ſo aſſembled with ſuch intent, though he does not perſonally appear among them, or with his own hands commit any violence whatſoever, yet he is equally a principal with thoſe who act, and guilty of High-Treaſon.

Having premiſed theſe propoſitions as the ground-work of your deliberation upon the points which will be left to you, it will not be amiſs to lay a matter which you have heard a great deal upon at the Bar totally out of the caſe. Whether the Bill, called Sir George Savile's, was wiſe or expedient—whether the repeal of it would have been right or wrong—has nothing to do with this trial. Whether grievances be real or pretended—whether a law be good or bad—it is equally High-Treaſon, by the ſtrong hand of a multitude, to force the repeal or redreſs.

Thus much let me ſay, it is moſt injurious to ſay this Bill, called Sir George Savile's, is a toleration of Popery. I cannot deny that, where the ſafety of the ſtate is not concerned, my own opinion is, that men ſhould not be puniſhed for mere matter of conſcience, and barely worſhipping God in their own way: but where what is alledged as matter of conſcience is dangerous or prejudicial to the ſtate, which is the caſe of Popery, the ſafety of the ſtate is the ſupreme law, and an erroneous religion, ſo far as upon principles of ſound policy that ſafety requires, ought to be reſtrained and prohibited; no good man has ever defended the many penal laws againſt Papiſts upon another ground: but this Bill is not a toleration, it only takes away the penalties of one act out of many.

They are ſtill ſubject to all the penalties created in the reign of Queen Elizabeth; and yet you know Queen Elizabeth ſucceeded to the crown ſoon after a cruel tyrant of the Popiſh religion. The Reformation was eſtabliſhed in her reign. She was excommunicated by the Pope, and her dominions given away. Her next heir was a bigoted Papiſt. She was expoſed to many plots of aſſaſſination: therefore ſound policy, and even the preſervation of her life, during her reign, called for many penal laws againſt Papiſts.

This

This Act repeals no penalty enacted in the reign of King James the First; yet in that reign the provocations given by Papists were great. It began with the Gunpowder Plot; and no wonder severe laws were made against them.

This Act repeals no law made in the reign of King Charles the Second; and yet you know the dread of a Popish successor, and the jealousy of the Court at that time, occasioned many penal laws to be made against Papists.

In the reign of William the Third, the security of the new government made penal laws against Papists necessary; yet this Bill repeals none made during the first ten years of his reign: it only repeals some additional penalties introduced by an act that passed at the end of his reign, which is notoriously known not to have been countenanced or promoted by him. Therefore be the merits of the Bill, called Sir George Savile's, as it may, it is totally a misrepresentation to infer from thence that Papists are tolerated. It is a cry to raise the blind spirit of fanaticism, or enthusiasm, in the minds of a deluded multitude, which, in the history of the world, has been the cause of much ruin and national destruction. But I have already told you the merits of this law are totally immaterial upon this trial; and nothing can be so dishonourable to government, as to be forced to make, or to repeal, by an armed multitude, any law; from that moment there is an end of all legislative authority.

There is another matter I must mention to you, before I come to state the questions upon which you are to form a judgement, and sum up the evidence, from which that judgement is to be a conclusion.

A doubt has faintly been thrown out the Bar, whether it is lawful to attend a Petition to the House of Commons with more than ten persons? Upon dear-bought experience of the consequences of tumultuous assemblies, under pretence of carrying and supporting Petitions, an Act of Parliament passed in the reign of King Charles the Second, forbidding, under a penalty, more than ten persons to attend a Petition to the King, or either House of Parliament: but it is said, that law is repealed by the Bill of Rights. I speak the joint opinion of us all, that the Act of Charles the Second is in full force; there is not the colour for a doubt: the Bill of Rights does not mean to meddle with it at all: it asserts the right of the subject to petition the King, and that there ought to be no commitments for such petitioning; which alluded to the case of the Bishops in King James's reign, who petitioned the King, and were committed for it.—But neither the Bill of Rights, nor any other statute, repeals this act of Charles the Second: and Mr. Justice Blackstone, in his Commentaries, treats of this act as in full force; and, as I have told you, we are all of that opinion; and consequently the attending a petition to the House of Commons by more than ten persons is criminal and illegal.—Having premised these several propositions and principles, the subject matter for your consideration naturally resolves itself into two points.

First, Whether this multitude did assemble and commit acts of violence with intent to terrify and compel the Legislature to repeal the act called Sir George Savile's—If upon this point your opinion should be in the negative, that makes an end of the whole, and the prisoner ought to be acquitted: but if your opinion should be, that the intent of this multitude, and the violence they committed, was to force a repeal, there arises a second point—

Whether the prisoner at the Bar incited, encouraged, promoted, or assisted in raising this insurrection, and the terror they carried with them, with the intent of forcing a repeal of this law.

Upon these two points, which you will call your attention to, depends the fate of this trial; for if either the multitude had no such intent, or supposing they had, if the prisoner was no cause, did not excite, and took no part in conducting, counselling, or fomenting the insurrection, the prisoner ought to be acquitted; and there is no pretence that he personally concurred in any act of violence.

[His Lordship now summed up the evidence *verbatim* to the Jury; in the course of which he told them, that he observed that most of them had taken very full notes—that he purposely avoided making any observations upon the evidence, chusing to leave it to themselves; then concluded as follows:]

This, Gentlemen, is the whole of the evidence on either side: you will weigh this evidence, and all the observations made at the Bar, or which occur to yourselves, upon it—I avoid making any. The points for you to determine are—Whether this multitude were assembled and acted with an intent to force a repeal of this called Sir George

George Savile's act; and if you think ſuch was their intent, whether the ſhare the priſoner had in getting together ſuch a number of people to go down to the Houſe of Commons—in meeting them in St. George's Fields—in talking to them in the lobby—in wearing the cockade on Friday and Saturday—or in any other part of his conduct—had the ſame intent, by the terror of an outrageous multitude, and the violences they committed and threatened, to force a repeal of this act. If there was no ſuch intention, either in the mob or in the priſoner, he ought to be acquitted: but if you think there was ſuch an intent in the multitude, encouraged, incited, or promoted by the priſoner, then you ought to find him guilty.

If the ſcale ſhould hang doubtful, and you are not fully ſatisfied that he is guilty, you ought to lean on the favourable ſide, and acquit him.

The Court ſat at Eight o'Clock on the Monday *Morning; and at Three Quarters after Four on the* Tueſday *Morning the Jury withdrew. They returned into Court at a Quarter after Five o'Clock with a Verdict finding the Priſoner*

NOT GUILTY.

THE END.

[Both Parts of this Trial are entered at Stationers' Hall.]

ERRATA *in ſome of the firſt printed Copies.*

In the *Firſt Part*, in page 34, in the firſt queſtion of the Croſs Examination of JOHN DINGWALL, for *acquainted with his writings?* read *acquainted with him?*

In the *Second Part*, in page 35, 6 lines from the bottom, for *act* read *art.*
36, line 20, for *&c.* read *and.*
36, 4 lines from the bottom, for *an* read *our.*

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